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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES AND TANGELOS[1]

On August 18, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 6024) regarding a proposed revision of United States Standards for Florida Oranges.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Florida Oranges and Tangelos are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1037 et seq., 7 U. S. C. 1621 et seq.)

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AUTHORITY: §§ 51.1140 to 51.1186 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§51.1140 *General.* The standards contained in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo" a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pummelo (C. paradisi and C. grandis) Separate U. S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1183 through 51.1186 apply only to common sweet oranges (citrus sinensis (L) osbeck).

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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GRADES

§ 51.1141 *U. S. Fancy.* "U. S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and are free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, rioiness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1153 and 51.1161.)

(b) If any lot of U. S. Fancy fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1142 *U S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.1155 and 51.1161.)

(a) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1143 *U S. No. 1.* "U. S. No. 1" consists of oranges of similar varietal

characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and midseason varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1154 and 51.1161.)

(d) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1144 *U S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See §§ 51.1156 and 51.1161.)

(a) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1145 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See §§ 51.1156 and 51.1161.)

(a) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1146. *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See §§ 51.1157 and 51.1161.)

(a) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1147 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.1155 and 51.1161.)

(a) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1148 *U. S. No. 2.* "U. S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1158 and 51.1161.)

(c) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1149 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See §§ 51.1159 and 51.1161.)

(a) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1150 *U. S. No. 3.* "U. S. No. 3" consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See §§ 51.1160 and 51.1161.)

(b) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

UNCLASSIFIED

§ 51.1151 *Unclassified.* "Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1153 to 51.1160 are provided as specified.

§ 51.1153 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1154 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1155 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1156 *U S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1157 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1158 *U S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1159 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1160 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1161 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1162 *Standard pack.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods and shall meet the applicable standards size requirements of this section. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard 1⅗ bushel nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Standard size" means that not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given in the applicable one of the following Tables 1, 2, 3, and 4 for the various packs, types of fruit, and size of boxes:

TABLE 1

Oranges, other than Temples, packed in 1⅗ bushel boxes:

Size and count:	*Minimum diameter in inches*
96's	3$^{9}/_{16}$
125's or 126's	3$^{5}/_{16}$
150's	3
175's or 176's	2$^{11}/_{16}$
216's	2$^{9}/_{16}$
252's	2$^{3}/_{16}$
288's or 294's	2$^{1}/_{16}$
324's	2$^{1}/_{16}$

TABLE 2

Temple orange and Tangelos packed in ⅘ bushel regular, wire-bound boxes:

Size and count:	*Minimum diameter in inches*
56's	3$^{5}/_{16}$
64's	3$^{1}/_{16}$
72's	3$^{1}/_{16}$
80's	3
96's	2$^{13}/_{16}$
125's	2$^{5}/_{16}$
150's	2$^{1}/_{16}$
175's	2$^{1}/_{16}$

TABLE 3

Temple oranges and Tangelos packed in ⅘ bushel flat, wire-bound boxes:

Size and count:	*Minimum diameter in inches*
54's	3$^{5}/_{16}$
66's	3$^{1}/_{16}$
80's	3
90's	2$^{11}/_{16}$
100's	2$^{9}/_{16}$
108's	2$^{11}/_{16}$
120's	2$^{3}/_{16}$
130's	2$^{3}/_{16}$
156's	2$^{1}/_{16}$

TABLE 4

Temple oranges and Tangelos packed in ⅘ bushel half-strap boxes:

Size and count:	*Minimum diameter in inches*
48's	3$^{9}/_{16}$
60's	3$^{1}/_{16}$
76's	3$^{1}/_{16}$
90's	2$^{11}/_{16}$
106's	2$^{11}/_{16}$
120's	2$^{9}/_{16}$
144's	2$^{7}/_{16}$
168's	2$^{5}/_{16}$

(e) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Five-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Six-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(f) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Four-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Five-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(g) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1163 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§51.1164 *Well colored.* "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1165 *Firm.* "Firm" as applied to common oranges and tangelos, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin) "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1166 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1167 *Mature.* "Mature" means the same as that term is then currently prescribed for oranges, other than Temple oranges, in sections 601.19 and 601.20, chapter 25149, for Temple oranges, in sections 601.21 and 601.22, chapter 26492, and for tangelos in sections 601.23 (a) chapter 29757, Florida Statutes, known as the Florida Citrus Code of 1949, as amended in 1951 and in 1955 or as it may be amended hereafter.

§ 51.1168 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1169 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1170 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1171 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1172 *Damage.* "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Creasing when causing the skin to be materially weakened;

(c) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided,* That the appearance of the orange is not affected to a greater extent than the number or area permitted on an orange 3 inches in diameter;

(e) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided,* That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on an orange 3 inches in diameter;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricy or woody that excessive pressure by hand is required to extract the juice.

§ 51.1173 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

§ 51.1174 *Reasonably well colored.* "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

§ 51.1175 *Fairly firm.* "Fairly firm" as applied to common oranges and tangelos means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1176 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1177 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1178 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously affecting the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale when it seriously affects the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments, in navel oranges when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1179 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.1180 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1181 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 20 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface;

(l) Sunburn when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1182 *Diameter* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L.) OSBECK)

§ 51.1183 *U. S. Grade AA Juice (Double A)* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)".

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1185.

§ 51.1184 *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice".

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1185.

§ 51.1185 *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table 5 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE 5

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.963	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.305	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more	-----	8.50-1

§ 51.1186 *Method of juice extraction.* The juice used in the determination of

solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner.

The United States Standards for Florida Oranges and Tangelos contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Florida Oranges which have been in effect since September 28, 1952. (7 CFR, §§ 51.1140–51.1186)

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because packing of Florida oranges will begin the early part of October and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances for preparation for such effective date.

Dated: September 23, 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator
Marketing Services.

[F. R. Doc. 55-7833; Filed, Sept. 27, 1955; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 906—MILK IN THE TULSA-MUSKOGEE, OKLAHOMA MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1955. Any delay beyond October 1, 1955 in the effective date of this order amending the order, as amended, will tend to disrupt the orderly marketing of milk for the Tulsa-Muskogee, Oklahoma, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective October 1, 1955 (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c))

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Tulsa-Muskogee, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that;

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. Delete § 906.7 and substitute therefor the following:

§ 906.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which Class I milk is disposed of on routes in the marketing area;

(b) A milk plant approved by the appropriate health authority of a municipality of the marketing area at which there is received, weighed and commingled the milk of producers holding permits or authorizations issued by such health authority and from which part or all of the receipts of such milk during the month is transferred to a plant described in paragraph (a) of this section, or from which more than half of the receipts of such milk was so transferred in the immediately preceding months of September through December, and the operator thereof has not requested that such plant be considered an unapproved plant; or

(c) A milk plant approved by a municipal health authority having jurisdiction in the marketing area for receiving Grade A milk, at which milk is received directly from the farms of producers holding permits or authorization issued by such health authority, and which is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers.

2. Delete § 906.8 and substitute therefor the following:

§ 906.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

3. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit, permit authorization or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted health authority, which is received at an approved plant. "Producer" shall include any such person whose milk is caused by a handler to be diverted for the account of such handler from an approved plant to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order and who is partially exempt from the provisions of this subpart pursuant to § 906.61.

4. Add the following as § 906.16:

§ 906.16 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored

milk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.

5. In §§ 906.14, 906.15, 906.30 (a), 906.31 (a) 906.65, 906.66 (b) and 906.73 delete "April through June" and substitute therefor "February through July"

6. In § 906.65 (a) delete "January" and substitute therefor "December"

7. In § 906.72 delete "July through March" and substitute therefor "August through January"

8. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May and June and plus $1.85 during the other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers, and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage"

Months for which price applies	Months used in computations	Standard utilization percentages	
		Minimum	Maximum
January	November-December	114	118
February	December-January	116	120
March	January-February	117	121
April	February-March	119	123
May	March-April	126	130
June	April-May	136	140
July	May-June	137	141
August	June-July	133	137
September	July-August	128	132
October	August-September	121	125
November	September-October	110	114
December	October-November	111	115

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation; or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

9. Delete § 906.53 and substitute therefor the following:

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is (a) received directly from producers at an approved plant located outside the marketing area and 35 or more miles from the nearer of City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) transferred in the form of milk, skim milk or cream to an approved plant located in the marketing area and assigned to Class I pursuant to the proviso of this section, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from nearer of the city hall in Tulsa or the city hall in Muskogee:	*Cents per hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 to 110 miles	23
110.1 to 125 miles	25
125.1 to 140 miles	27

Plus 1 cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

Provided, That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

10. Delete § 906.81 and substitute therefor the following:

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the city hall in Tulsa or the city hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from nearer of the city hall in Tulsa or the city hall in Muskogee:	*Cents per hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 to 110 miles	23
110.1 to 125 miles	25
125.1 miles to 140 miles	27

Plus one cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

11. Delete § 906.22 (i) and substitute therefor the following:

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association from producers who are members of such cooperative to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 23d day of September 1955, to be effective on and after the 1st day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-7835; Filed, Sept. 27, 1955; 8:54 a. m.]

PART 970—IRISH POTATOES GROWN IN MAINE

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER September 2, 1955 (20 F R. 6500) This regulatory program is effective under The Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 970.203 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing

Agreement No. 122 and Order No. 70, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1956, will amount to $47,500.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and Order No. 70 shall be $1.25 per carload, or equivalent thereof, 80 cents per truck load of 25,000 pounds or more, and 50 cents per truck load under 25,000 pounds of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 23d day of September 1955, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-7810; Filed, Sept. 27, 1955; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.2]

PART 341—POLICIES AND AUTHORITIES

SECURITY POLICIES

Section 341.5 (a) (5) in Title 6, Code of Federal Regulations (20 F R. 394) is hereby amended to modify the statement of policy regarding the requirement that written assignments of the proceeds of insurance on cash crops be given by borrowers in cases in which payments are expected from such crops, and to read as follows:

§ 341.5 *Security policies.* (a) Each Production and Subsistence loan will be secured for the full amount of the loan as follows:

* * * * *

(5) Borrowers having insurance on cash crops from which payments are expected will be required to give written assignments of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained. However, an assignment is not required in cases where a crop insurance policy contains a standard mortgage clause naming the Farmers Home Administration as mortgagee.

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

Dated: September 23, 1955.

[SEAL] H. D. COGDELL,
Acting Administrator
Farmers Home Administration.

[F. R. Doc. 55-7837; Filed, Sept. 27, 1955; 8:54 a. m.]

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.4]

PART 354—PROCESSING LOANS TO ASSOCIATIONS

PART 356—PROCESSING LOANS TO ASSOCIATIONS

Subchapter D in Chapter III of Title 6, Code of Federal Regulations, is amended by revoking Part 356 Processing Loans to Associations (17 F R. 1, 18 F R. 3057), and adding a new Part 354 Processing Loans to Associations, as follows:

Sec.

AUTHORITY: §§ 354.1 to 354.10 issued under sec. 6 (3) 50 Stat. 870, sec. 10 (a) 47), 63 Stat. 735; 16 U. S. C. and Sup. 590w (3), 590x-3. Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870, secs. 9, 10, 68 Stat. 735, 736; 16 U. S. C. and Sup. 590s (3), 590v, 590x-2, 590x-3.

§ 354.1 *General.* This part sets forth the procedures for making insured and direct Soil and Water Conservation loans to associations. The general policies and authorities are contained in Part 351 of this chapter.

§ 354.2 *Loan application.* Each group applying for an association loan will make a request for assistance in a letter to the County Supervisor. The County Supervisor will forward this letter to the State Director who will decide whether further consideration should be given to the application. The letter should state the kind and amount of assistance needed; state what attempts have been made to obtain financing elsewhere; give a brief description of the proposed facility or service; indicate the number of members; when applicable, contain pertinent information about the water supply and water rights; state whether or not the applicant is a company, district, incorporated association, or is unorganized; and state what technical work has been or is being done on the applicant's proposed project. If the group is incorporated, the application letter will be signed by the president. If the group is not yet incorporated, the members of the organizing committee will sign the letter.

§ 354.3 *Report on application.* If the State Director acts favorably on the application, the County Supervisor will, with such help as the State Director may provide, prepare a Report on Association Application.

§ 354.4 *County Committee recommendations.* When adequate information has been assembled on the association's application to enable the County Committee to make its recommendations, it will be presented to the Committee by the County Supervisor. Unless it appears during the investigation that the association would be ineligible, the Report on Association Application will be completed before the Committee acts on the application.

§ 354.5 *Later actions before loan approval.* (a) The State Director will review the loan application and related papers, and take one of the following actions:

(1) If he concurs in the proposed loan and is authorized to approve such a loan, he will prepare a memorandum to the County Supervisor indicating any conditions that must be met. The points covered in the memorandum will include any recommendations with respect to the (i) amount of the loan, (ii) repayment schedule, (iii) amount and form of contributions by members, (iv) security requirements, (v) evidence of title to the association's assets, (vi) organization or change in organization, (vii) improvement of business and operation methods, (viii) insurance and fidelity bonds, and (ix) plans and specifications.

(2) If the State Director concurs in the proposed loan and is not authorized to approve such a loan, he will send the case to the National Office. The Administrator either will authorize the State Director to approve the loan and specify any conditions that must be met or will advise the State Director why favorable action cannot be taken on the application. When the Administrator authorizes the State Director to approve the loan, the State Director will prepare the memorandum of conditional loan approval to the County Supervisor.

(3) Whenever the County Supervisor is notified that favorable action will not be taken on an application, he will notify the association immediately.

(b) Upon receipt of the State Director's memorandum indicating favorable action provided certain conditions can be met by the association, the County Supervisor will:

(1) Deliver to the association a copy of the State Director's memorandum setting forth the conditions under which the application will receive further consideration, a copy of Exhibit B of FHA Instruction 442.4, and necessary copies of required forms.

(2) Inform the association of the technical services it must provide.

(c) The association, with the help and advice of the County Supervisor, will.

(1) Prepare and execute Form FHA-28, "Association Proposal and Request for Funds."

(2) Prepare and execute the documents necessary to:

(i) Support a determination that the association has legal authority and appropriate operating regulations necessary for it to contract for and secure the repayment of the loan, and to operate successfully and to maintain adequately the proposed facilities or services,

(ii) Set forth the cost estimates and construction or installation plans of the proposed facility or development,

(iii) Set forth the operating budget and repayment ability of the association, and

(iv) Verify the title to assets which will serve as security for the loan.

(d) Ordinarily loan funds should be disbursed in one advance; however, provision may be made for more than one advance of loan funds when there is a justification for multiple advances. The State Director may authorize disbursement of the loan in not to exceed four advances, provided none of the advances will be scheduled for disbursement later than two years from the date of loan closing.

(e) When a direct loan will be made, Form FHA–5, "Loan Authorization," will be prepared as follows: An original and one copy of Form FHA–5 will be prepared for each advance in the amounts as indicated on Form FHA–28. The originals of each Form FHA–5 will be signed by the association officials on the same date. On each Form FHA–5, in the space for "Number of Installments," will be entered the number of installments in which the advance will be disbursed. In the space "First Installment Due" will be entered the next January 1 following the date of each particular advance as indicated on Form FHA–476. Forms FHA–5 for all advances will be included in the loan docket.

§ 354.6 *Loan approval and issuance of closing instructions, and loan rejection.* (a) When the State Director has again reviewed the loan papers submitted as a docket, and determines that the loan can be approved, he will draft a memorandum of approval to the County Supervisor specifying any conditions under which the loan will be made, including any necessary modifications of previous conditions prescribed by the State Director. The proposed memorandum, the loan docket, and the State Office copy of the Report on Association Application will be forwarded to the Attorney in Charge for legal examination and issuance of loan closing instructions. The closing instructions will cover, but need not be limited to, the continuation of lien searches and abstracts, the execution and recording or filing of security instruments, curative requirements, and, if advisable, requirements that certain legal documents or matters be legally reviewed before the loan is closed. The Attorney in Charge will prepare and transmit to the State Director, with the closing instructions, the security instruments and other special documents needed to close the loan.

(b) *Rejection of the loan.* If the State Director determines at any time during the processing of a loan that the loan should not be made, he will return the loan docket to the County Supervisor with a letter explaining the reasons for the rejection. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

(c) *Cancellation of loan.* Soil and Water Conservation loans may be cancelled before loan closing by request made on Form FHA–903, "Request for Cancellation of Loan."

§ 354.7 *Actions between approval and closing of loan*—(a) *Loan approval conditions.* When the County Supervisor receives the loan approval memorandum and loan closing instructions, he will deliver a copy of these two documents to the association. An understanding will be reached with the association regarding compliance with the conditions set forth in the memorandum and the loan closing instructions.

(b) *Change in amount of loan.* If it becomes evident on or before loan closing that the amount of the loan should be decreased or increased, the County Supervisor will request that all distributed docket forms be returned to him for revision.

(c) *Deposit of loan funds.* Loan checks will be deposited in a supervised bank account on the date of loan closing.

§ 354.8 *Loan closing.* A loan to an association will be closed in accordance with the closing instructions issued by the Attorney in Charge as soon as possible after receiving the loan check. When the purchase of bonds of a statutory association is involved, the form of bonds will be developed in accordance with State statutes, the form will be submitted to the Administrator for approval and the loan will be closed in accordance with special instructions from the Administrator.

(a) *Authority to execute, file, and record legal instruments.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for association loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law)

(b) *Preparation of promissory note.* The note will be prepared and completed at the time of loan closing. Form FHA–520, "Promissory Note for Associations (Insured Soil and Water Conservation Loan) " will be used for insured loans. Form FHA–521, "Promissory Note for Association (Direct Soil and Water Conservation Loan) " will be used for direct loans.

(1) The County Supervisor is authorized to sign the insurance endorsement on Form FHA–520. The State Director is also authorized to sign the insurance endorsement.

(2) The note will be executed by the association officials authorized by its Board of Directors to sign documents and instruments required for obtaining the loan. Any special instructions needed for the execution of the note will be furnished by the Attorney in Charge.

(3) The date of the note will be the date of the closing of the loan.

(4) The face amount of the note will be for the total amount of the loan, including all advances.

(5) Payments on Soil and Water Conservation loans to associations will be scheduled in equal annual installments computed by multiplying the total amount of the loan by the applicable amortization factor, except that:

(i) If the borrower will not have sufficient funds to pay a full amortized installment prior to the first January 1 following the date of loan closing, the first installment may be for the amount equal to the interest to become due from the date of the note to the next succeeding January 1. When one or more advances on the loan will be made after January 1 of the year following loan closing, the installment on each succeeding January 1 up to and including the January 1 following the last advance may be for an amount equal to interest that will accrue on the advances made, provided the association will be unable during such period to pay a full amortized installment on the entire loan. Thereafter, the annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments are scheduled.

(ii) The first installment, the first two installments, or the first three installments may be for an amount equal to the interest only on the note in accordance with Farmers Home Administration policies, irrespective of whether the loan is made in one or more advances. When principal payments are deferred on a loan involving more than one advance, the period for which interest-only payments may be scheduled will not extend beyond the third January 1 following the date of loan closing. In case of deferment, annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments will be scheduled.

(6) When the loan will be disbursed in more than one advance, the amount of each advance, including the first one, will be entered on the reverse side of the note, in the space entitled "Schedule of Advances." The date of the first advance will be the date of the loan closing. The date entered for each subsequent advance will be the estimated date on which it will be needed by the association. The date on which each subsequent advance was made will be the date of the loan check. The lender or Finance Office (for direct loan) will enter on the original note the date of the loan check for each subsequent advance.

(c) *Obtaining insurance.* The association will provide insurance coverage at the time of loan closing in the amounts and types specified by the State Director in his approval memorandum. The State Director will be guided by the provisions of Farmers Home Administration Instructions governing property insurance on Farm Ownership and Farm Housing loans in securing and servicing property insurance for Soil and Water Conservation loans to associations.

(d) *Initial loan insurance charge.* The initial loan insurance charge will be collected at the time of loan closing. The amount of such charge will be computed at the rate of one percent of the principal amount of the advance for the period from the date of loan closing to the first January 1 thereafter. If the loan is being made in more than one advance, the initial loan insurance charge will be collected on each subsequent advance at the time the check is delivered. The amount of the charge on each subsequent advance will be com-

puted for the period from the date of the check to the first January 1 thereafter. Loan insurance charges must be paid from the association's own funds.

(e) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will provide a fidelity bond covering the position entrusted with the receipt and disbursement of its funds and custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the association will have on hand at any one time exclusive of loan funds deposited in a supervised bank account and loan checks endorsed directly to vendors. The association will pay the premium for the bond. The United States of America, as its interests may appear, will be named as an obligee in the bond. The fidelity bond may be obtained locally through an acceptable bonding company and will be forwarded to the State Director.

(f) *Payment of fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan.

(g) *Distribution of certain recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required by the loan approving official to be held by the Farmers Home Administration will be returned to the officers of the association.

§ 354.9 *Actions subsequent to loan closing.* (a) The real estate or chattel mortgages will be delivered to the recording office for recordation or filing, as appropriate. When the mortgage is recorded or filed, as appropriate, the County Supervisor will conform one copy with the original, including the recording or filing data showing the date and place of recordation and the book and page number. The conformed copy of the mortgage will be delivered to the borrower and the original for both insured and direct Soil and Water Conservation loans will be retained in the borrower's County Office case folder.

(b) For an insured loan, the original of Form FHA–520 will be given or sent to the lender immediately after loan closing. The conformed copy will be given to the borrower.

(c) For a direct loan, the original of the promissory note will be sent immediately to the Finance Office. The conformed copy will be given to the borrower.

(d) Loan funds may be disbursed as soon as the loan has been closed and the notes mailed.

§ 354.10 *Loans to governmental or quasi-governmental organization.* When the association is an irrigation or drainage district, Soil Conservation District, or other statutory association, the State Director, with the advice of the Attorney in Charge, may change or substitute documents, or modify procedures set out in this part to the extent necessary to enable the association to comply with applicable provisions of State Laws.

Dated: September 23, 1955.

[SEAL] H. D. COGDELL,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-7836; Filed, Sept. 27, 1955; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 511—FEDERAL TORT CLAIMS PROCEDURE

TIME LIMIT FOR FILING

Section 511.2 is amended to read as follows:

§ 511.2 *Time limit for filing.* Claimants must file with the Agency a written demand for payment within 24 months after the right of claim accrues.

(R. S. 161; 5 U. S. C. 22)

Issued: September 22, 1955.

THEODORE C. STREIBERT,
Director

[F. R. Doc. 55-7831; Filed, Sept. 27, 1955; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 833—DEATH GRATUITY

FORMS

Section 833.8 is revised to read as follows:

§ 833.8 *Forms.* DD Form 397, Public Voucher for Six Months' Gratuity Pay, will be used to file claims and make payment. DD Form 397–1 (memorandum copy of DD Form 397), completed by the finance officer, and photostat or certified true copies of all legal documents used to substantiate payment, such as marriage certificates, death certificates, and guardianship papers, will be forwarded to Settlements Division, Air Force Finance Center.

(AFM 173-20B, March 30, 1955) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended, sec. 4, 62 Stat. 605; 10 U. S. C. 903, 456, 50 U. S. C. App. 454)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-7799; Filed, Sept. 27, 1955; 8:45 a. m.]

Subchapter G—Personnel

PART 881—PERSONNEL REVIEW BOARDS

MISCELLANEOUS AMENDMENTS

1. Paragraph (e) of § 881.3, the caption and paragraph (a) of § 881.4 are revised to read as follows:

§ 881.3 *Application for correction.* * * *

(e) *Review of application.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, or that effective relief cannot be granted. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

§ 881.4 *Notice, counsel, witnesses, and access to records—(a) General.* In each case in which a hearing is authorized, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

* * * * *

2. In § 881.32 paragraph (d) is revoked.

§ 881.32 *Application for review.* * * * (d) [Revoked]

(AFR 31-3A, June 23, 1955) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 257, 69 Stat. 637, as amended; 5 U. S. C. 191a)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-7800; Filed, Sept. 27, 1955; 8:45 a. m.]

PART 881—PERSONNEL REVIEW BOARDS

AIR FORCE DISCHARGE REVIEW BOARD; MISCELLANEOUS AMENDMENTS

Paragraph (d) of § 881.20 and paragraph (a) of § 881.21 are revised to read as follows:

§ 881.20 *Hearings.* * * *

(d) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, as above asserted,

the appropriate official, at the request of the Board, will prepare a summary of or extract from the document, deleting those references to sources of information and other matter the disclosure of which, in his opinion would be detrimental to the public interest. The summary then may be made available, with or without classification, to the applicant or his counsel.

* * * * *

§ 881.21 *Findings and conclusions.* (a) The Board will make written findings in closed session in each case.

* * * * *

(AFR 14-9A, July 26, 1955) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 301, 302, 58 Stat. 286, 287, as amended; 38 U. S. C. 693h, 6931)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-7801; Filed, Sept. 27, 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraph (b) of § 6.2 is amended to read as follows:

§ 6.2 *Applications for insurance under section 5 of the Servicemen's Indemnity Act of 1951 (Public Law 23, 82d Congress)* * * *

(b) Any person having United States Government life insurance on the 5-year level premium term plan, the term of which expires after April 25, 1951, and while such person is in active service or within 120 days after separation, shall be granted United States Government life insurance on the 5-year level premium term plan as provided in § 6.3 (b) upon written application signed by the applicant and payment of the required premium within 120 days after separation from such active service or within 120 days after July 29, 1955, whichever is the later, and evidence of good health satisfactory to the Administrator.

* * * * *

(Sec. 5, 65 Stat. 35, sec. 1, 69 Stat. 396; 38 U. S. C. 854)

2. A new § 6.162b is added as follows:

§ 6.162b *Payment of total disability benefits on United States Government life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* Payment under the total disability provision attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress, shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability provision and (a) such disability had existed for less than 4 consecutive months, payment will commence in accordance with the provisions of § 6.164, and (b) if such disability had existed for at least 4 consecutive months, payment will commence on the first monthly anniversary date of total disability subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of due proof.

(Sec. 2, 69 Stat. 396)

3. In § 6.185, paragraph (c) is amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended.* * * *

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided,* That no premiums shall be waived for any period prior to the date of application therefor, except that where the insured is determined, in accordance with the Missing Persons Act, to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged, at any time after April 25, 1951, and before April 26, 1952, (1) all premiums due or paid on term insurance after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter shall be waived, unless the insured requests in writing that the waiver be terminated; and (2) that portion of any permanent insurance premiums, which represents the cost of the pure insurance risk, due or paid after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter, shall be waived, provided the insured files written application therefor within 120 days after the passage of Public Law 193, 84th Congress, approved July 29, 1955, or the date of his return to military jurisdiction, whichever is later: *Provided,* Except where the amount of the dividend earned would exceed the amount of the premium waived, the waiver shall be automatic if the insured dies or is declared dead while in such missing status or if the insured dies on or prior to the last day on which application for the waiver may be made. Subject to these limitations, premium waiver under this section shall be effective as follows:

(i) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery.

(ii) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

* * * * *

(Sec. 10, 65 Stat. 36, 69 Stat. 395; 38 U. S. C. 820-823)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

4. In Part 8, paragraph (d) (2) of § 8.0 is amended to read as follows:

§ 8.0 *Eligibility.* * * *

(d) *Applications for insurance under section 5 of the Servicemen's Indemnity Act of 1951 (Public Law 23, 82d Congress.)* * * *

(2) Any person having National Service life insurance on the 5-year level premium term plan, the term of which expires after April 25, 1951, and while such person is in active service or within 120 days after separation, shall be granted National Service life insurance on the 5-year level premium term plan as provided in § 8.110 (b) upon written application signed by the applicant and payment of the required premium within 120 days after separation from such active service or within 120 days after July 29, 1955, whichever is the later, and evidence of good health satisfactory to the Administrator.

* * * * *

(Secs. 5, 10, 65 Stat. 35, 36, 69 Stat. 396; 38 U. S. C. 854, 820-823)

5. A new § 8.96b is added as follows:

§ 8.96b *Payment of total disability benefits on National Service life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* Payment under the total disability income provision attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability income provision and (a) such disability had existed for less than 6 consecutive months, payment will commence in accordance with the provisions of § 8.98, and (b) if such disability had existed for at least 6 consecutive months, payment will commence on the first monthly anniversary date of total disability subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of required proof.

(Sec. 2, 69 Stat. 396)

6. In § 8.113, paragraph (c) is amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended.* * * *

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided,* That no premium shall be waived for any period prior to the date of application therefor, except that where the insured is determined, in accordance with the Missing

Persons Act, to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged, at any time after April 25, 1951, and before April 26, 1952, (1) all premiums due or paid on term insurance after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter shall be waived, unless the insured requests in writing that the waiver be terminated; and (2) that portion of any permanent insurance premiums, which represents the cost of the pure insurance risk, due or paid after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter, shall be waived, provided the insured files written application therefor within 120 days after the passage of Public Law 193, 84th Congress, approved July 29, 1955, or the date of his return to military jurisdiction, whichever is later: *Provided*, Except where the amount of the dividend earned would exceed the amount of the premium waived, the waiver shall be automatic if the insured dies or is declared dead while in such missing status or if the insured dies on or prior to the last day on which application for the waiver may be made. Subject to these limitations, and except as hereinafter provided in this paragraph, premium waiver under this section shall be effective as follows:

(i) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery.

(ii) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

(iii) If premiums are being waived under section 602 (n) of the National Service Life Insurance Act, as amended, at the time application for waiver under this section is made, such waiver will be effective at the termination of the premium waiver under section 602 (n) of the act, provided waiver under section 602 (n) terminates while the insured has continued in active service without interruption or within 120 days following discharge from such active service and the insured is otherwise eligible for waiver under this section.

* * * * *

(Sec. 10, 65 Stat. 36, 69 Stat. 395; 33 U. S. C. 823)

(Sec. 603, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 803, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 28, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator

[F. R. Doc. 55-7815; Filed, Sept. 27, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 12-15]

PART 12—AMATEUR RADIO SERVICE

RADIO OPERATOR EXAMINATION POINTS

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing that the number of examinations given does not warrant continued holding of semi-annual examinations at Amarillo and El Paso, Texas, nor at Hilo, Wailuku and Lihue, Territory of Hawaii, and that such examinations should instead be given annually; and

It further appearing, that for the same reason Manchester, N. H., and Springfield, Mo., should be eliminated as annual examination points; and

It further appearing that the amendment herein ordered is not substantive in nature and therefore compliance with the public rule making procedures required by section 4 (a) and (b) of the Administrative Procedure Act is not required and the amendment may be made effective October 1, 1955:

It is ordered, Pursuant to authority contained in Section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information; sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and section 3 (a) of the Administrative Procedure Act, that Appendix I of Part 12—Rules Governing Amateur Radio Service, is amended as set forth below, effective October 1, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 21, 1955.

Released: September 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Part 12—Amateur Radio Service is amended as follows:

1. Amend Appendix I by removing from the "semi-annual" listing the cities of Amarillo and El Paso, Texas, as well as Hilo, Wailuku and Lihue, Territory of Hawaii, and adding these cities in alphabetical sequence to the "annual" listing in Appendix I.

2. Amend Appendix I by removing from the "annual" listing the cities of Manchester, N. H. and Springfield, Mo.

[F. R. Doc. 55-7821; Filed, Sept. 27, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION; REGULATIONS AND STANDARDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Agricultural Marketing Service is considering the promulgation of new standards for fiber fineness and maturity (Micronaire determination) of American upland cotton and proposed amendments of the regulations relating to cotton classification (7 CFR Part 27, Subpart A, as amended) for the purpose of the cotton futures legislation contained in the Internal Revenue Code of 1954, pursuant to sections 4854 and 4863 of said Code (Public Law 591, 83d Congress, 68A Stat. 580, 26 U. S. C. 1952 ed., Supp. II, 4851 et seq.).

The proposed official cotton standards of the United States for fiber fineness and maturity of American upland cotton would be the measure of such qualities, in combination, provided by the use of the Micronaire instrument in accordance with the procedure hereinafter set forth.

The proposed amendments of the regulations relating to cotton classification would provide Micronaire determinations of fiber fineness and maturity, upon request, for samples submitted to the Department of Agriculture for certification for delivery on cotton futures contracts.

The proposed amendments of the regulations relating to cotton classification, to be effective 30 days after promulgation, are as follows:

1. Section 27.2 would be amended by inserting new paragraphs (j), (k), (l) and (m) to read as follows:

(j) *Classification.* The determination of the grade and staple length of cotton by a cotton examiner.

(k) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, as determined by an authorized employee of the Department of Agriculture using the Micronaire instrument.

(l) *Service.* The Agricultural Marketing Service of the Department of Agriculture.

(m) *Cotton Division.* The Cotton Division of the Service.

2. The first sentence in § 27.3 would be amended to read "The inspection, sampling, classification, and Micronaire determination of cotton pursuant to section 4863 of the act shall be performed as prescribed in this subpart."

3. Section 27.9 would be amended to read:

§ 27.9 *Boards of cotton examiners; Appeal Board, Micronaire examiners.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Administrator. The members of such boards and the chairman of each shall be designated by the Administrator. The Appeal Board of Review Examiners established at Memphis, Tennessee, and committees of such board authorized to serve at other points will review the classification of any cotton in accordance with §§ 27.61 to 27.72. A Board of Supervising Cotton Examiners shall perform duties as assigned. Authorized employees of the Cotton Division will make Micronaire determinations when such service is requested in accordance with this subpart.

4. Section 27.13 would be amended to read:

§ 27.13 *Form of classification and incidental Micronaire determination requests.* Each classification request shall include (a) the lot number of the cotton involved; (b) the warehouse bale number for each sample; (c) the number of bales to be classified; (d) the location of the cotton; (e) the name of the owner of the cotton for whose account the classification is requested; and (f) such other information as may be required by the Administrator or the chairman of a board of cotton examiners. The classification request may also include a request for a Micronaire determination. The form in which such information shall be furnished may be prescribed by the Administrator or the chairman of the board of cotton examiners. The classification request shall be signed by the owner, or in his behalf by his agent. Such agent may, if authorized for the purpose, be the inspector in charge of the exchange inspection agency by or under the direction of which the cotton is inspected and sampled.

5. Section 27.14 would be amended to read:

§ 27.14 *Filing of classification and Micronaire determination requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedures approved by the Administrator or his representative. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Administrator. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a section 4863 contract.

6. Section 27.15 would be amended to read:

§ 27.15 *Withdrawal or rejection of classification or Micronaire determination requests.* Any request for classification or for Micronaire determination may be withdrawn by the applicant at any time before the classification or Micronaire determination of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed under §§ 27.80 to 27.92. Any request for classification or for Micronaire determination may be rejected for noncompliance with the act or this subpart.

7. The undesignated center head immediately preceding § 27.31 would be amended to read "Classification and Micronaire Determinations."

8. Section 27.31 would be amended to read:

§ 27.31 *Classification of cotton and Micronaire determinations; by whom made.* For the purposes of section 4863 of the act the classification of any cotton shall be determined only by cotton examiners designated as such by the Administrator. Official Micronaire determinations, when requested, shall be made only by authorized employees of the Cotton Division.

9. Section 27.36 would be amended to read:

§ 27.36 *Classification and Micronaire determinations based on official standards.* All cotton shall be classified for grade and staple length on the basis of the official cotton standards of the United States for grade and staple length in effect at the time of such classification. Micronaire determinations for cotton, upon request under §§ 27.14, 27.62, or 27.63 shall be made according to the official cotton standards of the United States for fiber fineness and maturity in effect at the time of such determinations.

10. Section 27.39 would be amended to read:

§ 27.39 *Issuance of certificates.* As soon as practicable after the classification of cotton has been completed by a board of cotton examiners the board shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman or acting chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Administrator may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination will be certified by the board of cotton examiners or by the Appeal Board of Review Examiners on the classification certificate for the cotton, with the date of the Micronaire determination, the name of the certifying officer, and such other facts as the Administrator may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The board of cotton examiners or the Appeal Board of Review Examiners may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by such board.

11. The undesignated center head immediately preceding § 27.61 would be amended to read "Classification Reviews and Micronaire Determinations."

12. Section 27.61 would be amended to read:

§ 27.61 *One review of classification.* One review only of the classification of the cotton covered by any cotton class certificate may be obtained as provided in §§ 27.62 to 27.72, such review to be performed by the Appeal Board of Review Examiners. Micronaire determinations are not subject to review.

13. Section 27.62 would be amended to read:

§ 27.62 *Conditions for review of classification and for incidental Micronaire determination for original applicant.* The person for whom the classification of cotton covered by any certificate shall have been performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a section 4863 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may include a request for Micronaire determination of the cotton if this service has not been previously performed.

14. Section 27.63 would be amended to read:

§ 27.63 *Conditions for review of classification and for Micronaire determination for receiver* Any receiver of cotton upon a section 4863 contract who has not re-delivered such cotton on a section 4863 contract may have a review of the classification of any cotton of which the classification has not been previously reviewed, by filing a written application within 7 business days following the date of the delivery of cotton class certificates to him in accordance with this subpart. When more than 5,000 bales of cotton shall have been delivered to the same receiver on the same date of delivery, he may, upon proper showing of the facts, be allowed 5 additional business days for filing his application for the review of the classification of any such cotton, provided written request for such extension is filed within 7 business days following the date of such delivery. In the event of the reissue of certificates to replace any certificates delivered to him, the receiver may have a review of the classification of the cotton covered by such reissued certificates, provided such review is requested within the time herein prescribed. Any such receiver

may also have a Micronaire determination, with or without review of classification, under these same conditions on cotton on which this service has not been previously performed under this subpart.

15. Section 27.64 would be amended to read:

§ 27.64 *Application for review of classification and for Micronaire determination; filing.* (a) Every application for review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the board of cotton examiners or in the absence of a board, with the supervisor of inspection at the point where the cotton was or may be delivered in settlement of a contract under the act and this subpart. The application shall in each case be in the hands of such board or supervisor within the time specified in § 27.62 or § 27.63 for applying for review: *Provided,* That any board of cotton examiners may designate any officer of the Service located at another point to receive applications, and in such cases the applications shall be in the hands of the officer so designated within the time herein specified. A copy of each such application shall be mailed by the person receiving it under this section to the other party in interest. Any person making such application shall, upon call of the person with whom such application was filed under this section, surrender the cotton class certificate or certificates covering the cotton involved.

(b) Such applications shall be made on a form furnished or approved by the Service and shall contain (1) the name and address of the party, if any, from whom the cotton was received on a section 4863 contract; (2) the lot numbers of the cotton; and (3) the warehouse bale numbers.

16. Section 27.65 would be amended to read:

§ 27.65 *Completion of review of classification.* In any case where an application for review of classification or an application for Micronaire determination has been filed with respect to cotton previously designated as tenderable, such review or determination may be completed notwithstanding the subsequent tender of such cotton on a section 4863 contract.

17. Section 27.76 would be amended to read:

§ 27.76 *Transfer certificate: form.* Thereupon there shall be issued to the person requesting the same a transfer certificate in a form prescribed for the purpose by the Administrator, properly identifying the cotton according to such tags or seals, and the other means of identification in the possession of the Service, showing the respective locations from which and to which the cotton is to be transferred, the classification of the cotton as previously determined, whether or not such classification has been reviewed, and the Micronaire reading (if any) of the cotton as previously determined.

18. Section 27.80 would be amended to read:

§ 27.80 *Fees.* For the classification and certification of cotton pursuant to this subpart, except as otherwise hereinafter provided, whether such cotton be tenderable or not, the person requesting the classification shall pay a fee of 25 cents per bale. For Micronaire determination and certification the person requesting the determination shall pay a fee of 25 cents per bale except that the fee shall be 10 cents per bale under either of the following conditions: (a) The request for Micronaire determination is filed at the same time as the request for the first classification of the cotton and covers all bales in the lot of cotton; or (b) The request for Micronaire determination is filed at the same time as a request for review of classification and covers all bales for which a review of classification is requested, exclusive of any bales on which a Micronaire determination has been made previously.

19. Section 27.89 would be amended to read:

§ 27.89 *Expenses: inspection; sampling.* The expense of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board of cotton examiners, or to the place specifically designated for the purpose by the Administrator or by the chairman of such board, shall be borne by the party requesting the classification of the cotton involved. When a review of classification or a Micronaire determination is requested and samples of the cotton involved are not in possession of a board of cotton examiners, the expense of inspection, sampling, and delivery of such samples to the board of cotton examiners shall be borne by the party requesting the service.

The proposed official cotton standards of the United States for fiber fineness and maturity, to be effective 30 days after promulgation, are as follows:

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

§ 27.210 *Standards for fiber fineness and maturity of American upland cotton.* The official cotton standards of the United States for fiber fineness and maturity of American upland cotton, for the purposes of the cotton futures legislation in the Internal Revenue Code of 1954, shall be the measure of such qualities, in combination, provided by the use of the Micronaire instrument, model 60600 (or other model used by the Department of Agriculture giving the same results) in accordance with the procedure specified in § 27.212 (subject to any changes in such procedure made by amendments of § 27.212 which do not perceptibly affect the results obtained)

§ 27.211 *Terms of designation.* The fiber fineness and maturity of any American upland cotton shall be designated by the scale reading shown on the Micronaire instrument for the specimen of the cotton, as determined under § 27.212, e. g., 4.1, 4.2, 4.3, or 4.4.

§ 27.212 *Procedure for use of Micronaire instrument.* In determining in terms of Micronaire scale units, the fiber fineness and maturity, in combination, of American upland cotton, the following procedure shall apply:

(a) Facilities and equipment shall include:

(1) Laboratory controlled atmospheric conditions of 65 percent relative humidity ±2 and a temperature of 70° F ±2.

(2) Micronaire instrument used by the Department of Agriculture, complete with accessories, including:

(i) Calibrating pressure manometer or similar device used by the Department of Agriculture.

(ii) Two calibrating orifices (one fine and one coarse).

(iii) Special scale for indicating the float position in the instrument flow tube. (Curvilinear scale for American upland cotton adopted September 1950 by the Department of Agriculture, or its equivalent.)

(iv) A continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch.

(3) Scales suitable for accurately weighing 50.0 grain specimens.

(b) Calibration of the Micronaire instrument shall be performed as described in this paragraph. The instrument, which shall be set up in accordance with the manufacturer's instructions and connected to a continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch, shall be checked each day before being operated, as follows:

(1) The air shall be allowed to flow through the instrument for a period of 5 minutes before calibration.

(2) The regulating valve or valves shall be adjusted to obtain proper pressures in accordance with the manufacturer's instructions.

(3) The calibration screws on the instrument shall be adjusted until the fine and coarse calibration orifices produce readings on the instrument which coincide with the lower and upper calibration lines, respectively, on the scale and at the same time maintain the proper pressure.

(c) An untreated specimen from the sample of cotton shall be tested. The specimen shall be taken from the center of both sides of each sample to be tested. The specimen shall weigh 50.0 grains, except that if the Micronaire testing is conducted under conditions other than those specified in paragraph (a) (1) of this section, the specimen shall be the equivalent in weight to a specimen weighing 50.0 grains under the conditions, specified in said paragraph.

(d) Testing of the cotton specimen shall be performed as follows:

(1) The weighed specimen shall be tested in a properly calibrated instrument. (See paragraph (b) of this section on calibration.)

(2) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed across the area of the specimen holder.

(3) The plunger shall be pushed down on the specimen until the flange of the plunger rests against the shoulder of the specimen holder and remains in contact.

(4) The air shall then be alowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The scale reading shall be determined at the uppermost edge of the float in the flow tube when the float becomes stable.

§ 27.213 *Applicability of standards for fiber fineness and maturity of American upland cotton.* The standards provided for in § 27.210 for the fiber fineness and maturity of American upland cotton shall be official cotton standards of the United States for purposes of the cotton futures legislation in the Internal Revenue Code of 1954, but not for the purposes of the United States Cotton Standards Act, as amended (7 U. S. C. 51, 52–65)

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments or standards may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of September 1955.

[SEAL] ORIS V WELLS,
Administrator
Agricultural Marketing Service.

[F. R. Doc. 55-7832; Filed, Sept. 27, 1955; 8:53 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-A21]

HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Chicago, Illinois, on August 24, 1955, pursuant to notice thereof which was issued on August 17, 1955 (20 F R. 6101)

The material issues of record related to:

(1) Whether the 70-cent differential provisions, which apply to Class I and Class II milk moved in bulk to any place outside the surplus manufacturing area, should be amended so as not to apply to week-end shipments;

(2) Whether skim milk moved to a plant not regulated by any Federal order and outside the surplus milk manufacturing area, should be classified as Class I milk on a volume basis; and

(3) The need for immediate decision on these issues.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) The 70-cent differential provisions (§§ 941.52 (a) (3) and 941.52 (b) (3)) should not apply to shipments made on Fridays and Saturdays that are not in excess of receipts from producers on those days.

This proposal was considered at a hearing held on May 9 and 10, 1955, and denied on the record by the decision issued July 20, 1955. There was little in that record to show just how much milk would be involved, whether its marketing would, as a matter of fact, materially affect producer prices, and whether such an amendment would be a reasonable and feasible modification of the 70-cent differential provision. At a subsequent hearing, held on July 5 to 8, 1955, evidence was taken on other possible amendments to the 70-cent differential provision including its suspension for this year or indefinitely. No action has been taken on that record. The instant hearing held on August 24, 1955, was for the purpose of reconsidering this particular proposal, one other issue set forth in the notice of hearing, and the need for immediate action. After this hearing and based chiefly on the evidence in its record the 70-cent differential provision was suspended for September 1955.

In the record of this hearing the evidence in support of this amendment shows clearly how great has been the decline in the demand by processing and bottling plants for milk received at supply plants on Fridays and Saturdays, and approximately how much milk will be received from producers during the months of September, October and November 1955 for which there will be no possible Class I disposition through processing plants serving the marketing area. As a result of changing practices of the bottling plants there has come to be a marked pattern of weekly variation in their daily requirements. Exhibit 9 shows this pattern by index numbers with Thursday the high day at 100 and Friday and Saturday the low days at 61 and 56, respectively. As a result of this week-end drop in area bottling plant requirements it was estimated by the market administrator that during September 1955 there will be between 21 and 22 million pounds of Friday and Saturday receipts in excess of Order 41 bottling needs. For October the estimate is about the same as for September and for November it is estimated at 19,144,000 pounds.

It is clear from this record that the marketing of these substantial quantities of milk will materially affect producer prices. While the same may be said of other receipts from producers, it was clearly shown that a much larger proportion of receipts on other days of the week will be required by bottling plants. It follows that a much larger proportion of receipts on Fridays and Saturdays must be disposed of in Class III or Class IV unless outside markets are found for Class I and Class II disposition.

The 70-cent price differential on sales outside the surplus milk marketing area operates to reduce the incentive for pool plants to engage in such trade when there are indications that pool supplies may be no more than adequate—needed or desirable reserves considered—to the daily needs of Order 41 bottling plants. When ample supplies are indicated, the provision does not apply.

Hence, there appears to be no good reason for applying it to week-end shipments to outside markets during the applicable months this year. Instead handlers should be allowed full incentive to find Class I and Class II outlets for it. From the record it seems evident that, even with the 70-cent price differential removed, outside markets cannot be found for as much milk as will be in excess supply. For in this outside business—mostly in deficit southern markets—Chicago plants must compete with increasing supplies of Grade A milk of other production areas that are also with supply in excess of local trade requirements. While the demand from deficit markets may be somewhat greater than last year, outlets for week-end shipments will certainly be limited. Doubtless more of the week-end supply can be moved without the 70-cent differential than with it. But in 1954 when the 70-cent differential did not come into play, total bulk sales in October of Class I and II milk to unregulated plants located outside the surplus milk manufacturing area did not exceed 12 million pounds and in November they were only about 6.5 million pounds. From this it may be concluded that bids from outside markets for week-end milk will not unduly shorten supply for Order 41 bottling plants or even make a tight market for what week-end milk they may require.

(2) Skim milk moved to a plant not regulated by any Federal order and outside the surplus milk manufacturing area, should be classified as Class I milk on a volume basis. This is as the order presently provides.

Questions have been raised as to the adequacy of the record of the hearing held in January 1951 and the findings on this record, on the basis of which, the present provisions of the order with respect to skim milk were adopted. Testimony on the record of the instant hearing summarizes the evidence of the earlier record and supplements it with a full explanation of the circumstances that lead to treatment of skim milk—with respect to disposal outside of the surplus milk manufacturing area—the same as milk under the classification and pricing rules of the order.

When it was found that skim milk as well as milk actually moved in Class I usage to unregulated plants outside the surplus milk manufacturing area, it was determined that such disposal should be accounted for in the same manner—classified and priced—as milk. Otherwise the costs of milk in fluid usage would not be uniform among handlers. Moreover, the surplus milk manufacturing area had been defined to include all needed unregulated plant outlets for surplus skim milk as well as for milk. Since economic outlets for surplus disposition of skim milk were included, then, in order to encourage most economical disposal of surplus as well as for adminis-

trative convenience, all movements of bulk milk and skim milk to plants not regulated by a Federal order outside of the surplus milk manufacturing area should be Class I. When milk or skim milk in bulk has been transferred or diverted to a nonpool plant in the surplus milk manufacturing area the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification in the surplus milk manufacturing area without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to provide a surplus disposal area of unlimited expense. Such provision might well tend to make unreasonable demands of the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area.

Changes have been made in the surplus milk manufacturing area by amendment as necessity was shown. From time to time handlers have shown a need to extend the area in order to include necessary or economic outlets for their surplus supplies of milk. Upon substantial evidence of such need, presented at a public hearing, the area has been amended. Until further amended in this manner, the order should be applied as it presently provides.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than October 1, 1955, or as soon thereafter as possible. Delay beyond the minimum time required to make the attached amending order effective would defeat the purpose of such amendment. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act. The record shows that interested parties did not enter any objection to omission of the recommended decision and opportunity to file exceptions thereto.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect; regulating the handling of milk in the Chicago, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of September 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.52 (a) (3) and (b) (3) change the periods at the end of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

sentences to commas and add: "and except that in October and November 1955 this subparagraph shall not apply to shipments made by a handler on Friday and Saturday in each week which are not in excess of the handler's total receipts of milk from producers on the same two days."

[F. R. Doc. 55-7834; Filed, Sept. 27, 1955; 8:54 a. m.]

[7 CFR Part 949]

[Docket No. AO 232-A4]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at San Antonio, Texas, on January 24 and April 1, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F R. 344) and (20 F R. 1700) upon proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the San Antonio, Texas, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 1, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 7, 1955 (20 F R. 6554)

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

(1) Revision of the definition of a pool plant and in payments for milk to cooperative associations;

(2) Modification in the application of compensatory payments on unpriced other source milk and in the allocation provisions of the order; and

(3) The level of Class I prices.

Findings and conclusions. The findings and conclusions with respect to the material issues, all of which are based on the evidence introduced at the hearing, and the record thereof are as follows:

1. Provision should be made whereby the Grade A plant of a cooperative association may become a pool plant under the order and whereby cooperative associations may receive payment from handlers for the milk of their members.

The pool plant definition should be changed to include a plant which is operated by a cooperative association and is approved by the appropriate health authority to supply Grade A milk for the marketing area, if 75 percent or more of the producer milk from members of such association is delivered directly by such producers or is transferred by the association from such plant during the month to the pool plants of other handlers.

The Producers Association of San Antonio, a cooperative bargaining association representing a majority of the producers supplying the San Antonio marketing area, operates a Grade A receiving plant which is located in San Antonio. This plant was established primarily for the purpose of assembling and cooling milk for its producer-members which milk temporarily may not be needed by proprietary handlers for Class I purposes. The association maintains tank truck facilities for moving such milk to handlers who may require additional milk on short notice or for temporary periods. There may be advantages and economies gained by the association and the receiving handler in transferring such milk in tank lots rather than shifting the producers' deliveries to other plants. Occasionally, milk received by the association at its plant is not needed in the market and the association moves the milk to other outlets, including manufacturing plants. Thus, this plant serves to equalize the supply of producer milk at distributing plants in accordance with their needs. At most times, nearly all of the milk of the cooperative's members is delivered directly to pool plants. It would be uneconomic for the association to receive the milk of its members at its plant and then make regular transfers of milk to the pool plants of other handlers. No provision is made under the terms of the present order for the regulation of milk handling or for the pooling of milk at supply plants. All of the milk which is received from producers is produced within a relatively short distance from San Antonio and may be marketed more efficiently by delivery directly to handlers' distributing plants located in the marketing area.

At the present time, milk which is received from producers at the cooperative plant must be diverted from a pool plant by the association in order to participate in the market-wide pool. Transfers of milk from the association's plant to the pool plant of another handler is considered as a receipt of other source milk at such handler's pool plant. It is desirable, therefore, that the Grade A plant operated by the association be considered as a pool plant under the order. In this manner, the milk of the association's producer-members who are regularly associated with the market would be pooled even though such milk is not received by a plant qualifying as a pool plant by route distribution in the marketing area. The designation as a pool plant of a plant such as is operated by this association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer. The inclusion of such plant as a pool plant will assure that all producer milk associated with the market will be included in the pool each month and therefore reflect the true monthly market receipts and utilization.

In view of the above stated considerations, it is concluded that a Grade A plant of any association whose producer-members are primarily associated with the San Antonio market should be considered as a pool plant. It is considered the requirement that not less than 75 percent of the milk of the cooperative's producer-members be received during the month directly at the pool plants of other handlers or transferred by the cooperative association from its plant to the pool plants of other handlers is reasonable.

It was also proposed by producers that provision be made for the association to receive payment for the milk of its members which it causes to be delivered to a pool plant. The cooperative contended since it will be necessary to pay their producer-members for milk received at their pool plant and because producers are quite frequently shifted from one plant to another during the month, the payment for milk may be facilitated by making it possible for the association to pay their members.

The record shows that the association has assumed the responsibility of allocating milk of their members among regulated handlers. The association is duly licensed to transport fluid milk in its own trucks and has at times used these facilities to transfer milk of its members to handlers. It has also transported approved milk from other markets to meet deficits and has moved producer milk to manufacturing outlets at times of temporary excesses. The taking of title to milk of its members and the blending of the proceeds from the sales of milk of its members will assist the cooperative association in discharging its responsibilities to its members and to the market and such functions can be accomplished more expediently if the association is collecting payments for the sales of member milk.

The association's contract with its members authorizes the association to collect payment for the milk of its members. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested in writing by the cooperative association, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such pro-

ducers. Handlers should be required to make such payments to the cooperative association on or before the 26th day of the month for the milk received during the first 15 days of the month and make the final settlement for the milk received during the month on or before the 13th day of the following month. In the case of final payment, the date is two days in advance of the date in which a handler is required to pay individual producers for their milk. The handler should be required to furnish the cooperative association with such payments, a supporting statement showing the pounds and butterfat tests of milk received for each producer, the rate or rates of payment for such milk and a description of any deductions claimed by the handler.

The recommended provisions for a plant operated by a cooperative association to achieve pool plant status and for a producer association to receive payment for the milk of its members will tend to promote the orderly marketing of milk in this market.

2. Proposals to amend the compensatory payment provisions of the order should be denied.

The order now provides that handlers make compensatory payments on unpriced Class I milk during the months of January through August. During the months of February through July the rate of such payments is the difference between the Class II price adjusted by the Class II butterfat differential and the Class I price adjusted by the Class I butterfat differential and a location differential. For the months of January and August the compensatory payment is at the rate of the difference between the Class I price and the uniform price to producers, both adjusted by the Class I butterfat differential. No compensatory payments on unpriced Class I milk are required during the months of September through December.

The producer association proposed that the order provisions relative to payments on unpriced milk which, are now effective January through August, be inoperative during any such month that 95 percent or more of producer milk is classified as Class I milk. It was contended that under such a supply-demand relationship, compensatory payments on unpriced milk are not necessary. It was stated also that if the producer association plant is made a pool plant, the milk of member-producers who may be cut off by handlers would be received at the cooperative's plant and included in the total market receipts. Such milk would then be reflected in the ratio of Class I sales to producer receipts for determining the application of the compensatory payment provisions.

As indicated above, no compensatory payments are now required September through December and such payments as might be required for January and August would be based on the relationship of Class I sales to producer milk receipts. In effect, the intent of the producer association proposal to have operation of the compensatory payment provision contingent on the ratio of Class I sales to producer receipts is now accorded appropriate consideration in the order for those months when milk from local producers is shortest in relation to the Class I needs of the market and therefore it is not necessary to adopt the proposal in order to attain the ends sought by the proponents of the amendment.

A proposal was made by handlers also to eliminate compensatory payments on other source serum solids used in the form of condensed or nonfat dry milk solids to fortify skim milk and cultured buttermilk.

Nearly all handlers in the market purchase solids from other sources to combine with producer milk when available for buttermilk and fortified milk drinks. Although the facilities for processing skim milk into condensed milk products in pool plants are limited, there are handlers who, at times, produce such products for subsequent use in their Class I operations.

Solids for use in fluid milk products are required by the health regulations to be made from Grade A milk. Such solids are classified as Class I milk when disposed of in a Class I product the same as all other Class I solids. There appears to be no reason in this market why one portion of the solids nonfat contained in Class I products should be treated differently from another portion.

Insofar as the classification provisions of the present order are concerned, nonfat solids which may originate from fluid-skim milk and concentrated skim milk products, both from producer milk and other source milk, are treated alike. In applying the reclassification provisions of the order, however, there are some differences. Concentrated solids made from producer milk which are later reused by the handler for Class I products are reclassified at the difference between the Class I and Class II prices at the time that they are reused. The reclassification charge on solids derived from other source milk is applied through the application of the compensatory payments on other source milk. The compensatory payment rate is the difference between the Class I and Class II prices during the months of February through July and during other months of the year the difference between the Class I price and the uniform price to producers. To adopt the proponent's proposal to eliminate compensatory payments on solids from other source milk without some change in the method of reclassifying solids from producer milk would create gross inequality in the cost of milk among handlers. It is therefore concluded that no change should be made on the basis of this record. If there develops a need to change the present order with respect to such reclassification charges, it should be more thoroughly explored at another hearing.

The findings and conclusions of the final decision issued December 16, 1953 (18 F. R. 8585) with respect to the need for compensatory payments in this market are equally applicable at the present time. The findings herein set forth are supplementary and in addition to the findings and conclusions of that decision. The findings and conclusions of that decision are hereby adopted as a part of this decision insofar as such findings are not in conflict with the findings in this decision.

In connection with the proposal to revise the allocation provisions relative to other source milk, it was proposed at the hearing that a change be made in the language of these provisions to accommodate transactions involved in custom bottled milk.

As now provided in the order, milk received from a nonpool plant in the form of packaged fluid milk which is not in excess of the volume of bulk milk transferred by the pool plant to such nonpool plant and classified as Class I milk is allocated against the gross Class I sales of the pool plant. It was proposed that transfers of milk in the form of either bulk or packaged milk be permitted to offset the receipts of custom bottled milk at the pool plant. Testimony showed that the same company operates plants in San Antonio and Austin, Texas. Neither plant is equipped to package milk in containers of all sizes and therefore it is necessary to exchange packaged whole milk and other fluid milk products between the two plants. It was contended that the proposed change would facilitate the transfer of fluid milk products between such plants and would result in a greater usage of producer milk in Class I milk.

The proposed change would in no way alter the intent of the present order provisions. Since a pool plant is required to transfer an equivalent quantity of skim milk and butterfat to the nonpool plant as Class I milk in order to receive the custom bottling credit, the priority for allocating producer milk to Class I utilization to the fullest extent possible is preserved regardless of the package or the form of the fluid milk product in which such skim milk and butterfat is transferred. The language in the allocation provisions of the order, therefore, should be changed to provide that custom bottling credit will apply to skim milk and butterfat transferred as Class I milk to a nonpool plant in the form of a fluid milk product and the receipt of custom bottled skim milk and butterfat from such nonpool plant may be in the form of any packaged product included in Class I milk.

3. The order should be revised to effectuate a more appropriate Class I price relationship between the San Antonio market and other regulated markets from which handlers compete with San Antonio handlers in the procurement and sale of milk.

As now provided in the order, various factors are utilized in determining the Class I price. A primary component in the Class I price determination is the price computed pursuant to an economic type formula which reflects business conditions and milk production costs. This formula is modified by a supply-demand adjustment factor based on producer receipts in relation to Class I disposition by handlers during the two months immediately preceding. The order further provides that the Class I price may not be less than the average of the prices paid by the 13 "Midwestern Condenseries" plus $2.00 nor more than such midwestern condensery price plus $2.50 for each

of the months of April, May and June and $2.70 for each of the other months. In addition, the order provides that the Class I price shall not be higher than the North Texas order Class I price plus 50 cents.

Testimony presented at the hearing dealt principally with the need for a proper alignment of prices between the San Antonio and other Federal order markets in Texas. Handler and producer representatives in the San Antonio market were especially concerned with the level of the Class I price at Austin under the Austin-Waco order, which, at the time of the hearing, was 30 cents below the San Antonio order Class I price. Austin is 77 miles from San Antonio and handlers in both markets compete for Class I sales not only on retail and wholesale routes at various locations, but also in bidding on the contracts to supply the several large military installations in the vicinity.

Both handlers and producers testified that the 30 cent difference between the order Class I prices at Austin and San Antonio is inappropriate in that it does not reflect an economically justifiable relationship between the two markets. The handlers contended that the price under the Austin-Waco order applicable at Austin should be increased or the San Antonio Class I price should be decreased in order to effectuate an alignment of prices which gives proper consideration to the cost of moving milk from Austin to San Antonio. This should be accomplished, according to the handlers, by providing for a difference of 12 cents between the Class I price at Austin and San Antonio, with the San Antonio price being the higher. The position of San Antonio producers was similar to that expressed by handlers except that they claimed that there is no justification for lowering the San Antonio price at this time. It was the contention of the San Antonio producer association that the relationship in prices between San Antonio and Austin should be corrected by adjustment of the Austin-Waco order price applicable at Austin.

There are numerous large military installations in and near San Antonio and bidding by handlers on these contracts is highly competitive. Handlers under the North Texas and Austin-Waco orders, as well as those under the San Antonio order, bid regularly on some of these contracts and have been able in the past to obtain such contracts no less frequently than San Antonio handlers. Because of the highly competitive nature of the business in this area, it is especially important that as precise an alignment of Class I prices as possible between the various order markets be effectuated.

Although it was not stated at the hearing that Austin handlers anticipate expansion of their sales territory into the San Antonio market or are threatening to take away military installation business or other business from San Antonio handlers by reason of the price advantage which handlers in the latter market contend Austin handlers now enjoy, it was indicated, however, that if the relationship which existed at the time of the hearing was continued San Antonio handlers would be at a distinct disadvantage in competing with Austin handlers. The maintenance of such relationship of prices, it was contended, would place Austin handlers in an unjustifiably favorable position in bidding on the contracts to supply fluid milk products to the various large military establishments.

The San Antonio market is a deficit market in that producer deliveries are inadequate for the Class I needs of the market in most months of the year. Although it is important to maintain prices to producers as high as economic conditions warrant in order to encourage more milk production, there are other factors besides the relationship between the supply of producer milk for, and the Class I sales in, this market which must be considered in establishing the appropriate level of Class I prices.

At the time of the hearing, the San Antonio Class I price was 50 cents above that under the North Texas order. Official notice is herein taken of the Class I prices which have been announced by the market administrators for the North Texas and San Antonio orders through July of this year. Although the San Antonio Class I price was the North Texas Class I price plus 50 cents for each of the months of January through April, the corresponding differential by which the San Antionio Class I price exceeded the North Texas Class I price for May, June and July was 47, 44 and 33 cents, respectively.

It has been recognized in the San Antonio order and in other Federal orders regulating the handling of milk in Texas that milk generally has a higher value as it moves from north to south and from east to west in the State. This is because the conditions affecting production of milk are less favorable in these more distant areas and a generally higher level of milk prices prevails as milk moves farther away from the surplus milk producing areas of the country.

The marketing area regulated by the North Texas order is one of the principal milk markets in Texas. The Class I price which is provided under that order is frequently used and widely accepted as a basis for establishing Class I prices not only in other Federal orders in the Southwest but in many smaller unregulated markets in the region. The prices which North Texas handlers must pay for Class I milk have a significant meaning in the San Antonio marketing area since milk from North Texas is moved to San Antonio, particularly in periods of short supply, to meet the Class I needs of San Antonio handlers. At least two companies operate plants in both markets which may facilitate the movement of milk to the San Antonio area in both bulk and packaged form. In addition, North Texas handlers are continually supplying large quantities of Class I milk to military installations in the Austin-Waco and San Antonio areas.

To maintain stable marketing conditions in the San Antonio market and to insure that handlers in the market will be on an equitable basis in the procurement of milk with handlers who compete with them, it is necessary that the level of Class I prices in San Antonio be no greater than the North Texas Class I price level plus the cost of moving milk from North Texas to San Antonio. Furthermore, provision should be made to coordinate month to month changes in Class I prices in all of these interrelated markets.

Handlers also contended that North Texas distributors were able to move milk into San Antonio at an apparent transportation cost of less than 50 cents per hundredweight and that the Class I price differential of 50 cents above the North Texas price placed them at a disadvantage in competing with North Texas distributors. Information was presented at the hearing to show costs of transporting milk from North Texas to San Antonio as well as to points in the intervening Austin-Waco marketing area. This information indicates considerable variation in transportation rates. Different rates were shown to have been charged for transporting milk to San Antonio. Quoted rates of commercial milk haulers likewise varied as did the purported costs of milk dealers who maintain their own trucking facilities. Transportation costs like other costs involved in the handling of milk vary widely because of the various factors, such as, regularity in the movements of milk, ownership of the trucking facilities, the size of loads and the type of trucks that are available and the frequency of use of such facilities.

It is especially necessary in establishing a differential by which the San Antonio Class I price exceeds that under the North Texas order to give full consideration to those costs which are most representative and which best meet the needs of the San Antonio market. The evidence indicates that a 50-cent differential represents a difference in prices which is somewhat higher than the cost of moving milk from the North Texas area to San Antonio by an efficient means of transportation.

In view of the above stated considerations, it is concluded that the Class I price under the San Antonio order should be the Class I price for the month under Order No. 43 regulating the handling of milk in the North Texas marketing area plus 42 cents. This 42-cent differential was determined by applying a rate of 1.5 cents per hundredweight for each 10 miles, to the 276 miles between Dallas and San Antonio.

Notice is hereby taken of a recommended decision of the Deputy Administrator of the Agricultural Marketing Service issued as of this date on proposed amendments to Order No. 52 regulating the handling of milk in the Austin-Waco marketing area. In that decision, it is concluded that the Class I price at the various pool plants in that marketing area should be equivalent to the North Texas Class I price plus 1.5 cents for each 10 miles that such plant is located from the North Texas marketing area. This

recommended pricing arrangement would result in a Class I price in plants located in the vicinity of Waco and Austin of approximately 17 cents and 29 cents, respectively, above the North Texas Class I price. At plants in the most southern portion of the Austin-Waco marketing area, which are located 30 to 40 miles north of San Antonio, the Class I price would be 38 cents above the North Texas Class I price. The proposed level of prices which will obtain for the San Antonio market is reasonable and economically sound in relation to prices prevailing for milk in other federal order markets in Texas and from alternative dairy regions of the country. The recommended pricing provision would not only maintain a more appropriate relationship with the North Texas Class I price but would also effectuate an appropriate alignment with the Class I prices provided in the nearby Federal order markets of Corpus Christi and Austin-Waco at the various locations in these marketing areas. The proposed method of pricing will provide producers a Class I price related to supply-demand conditions in this general region and assist in correlating month to month price changes among the various markets more effectively than the present Class I pricing provision of the order.

Determination of representative period. The month of July 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the San Antonio, Texas, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 23d day of September 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplemetary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the San Antonio, Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the proviso in § 949.7 and substitute therefor the following: "*Provided,* That a pool plant shall include any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and 75 percent or more of the producer milk from members of such association is received during the month at the pool plants of other handlers or is transferred to such plants from the plant of the cooperative association."

2. In § 949.46 (a) delete subparagraph (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received from a nonpool plant in the form of packaged Class I products which are not in excess of the pounds of skim milk transferred to such plant from the pool plant of the handler in fluid form and classified as Class I milk.

3. Delete §§ 949.51 and 949.52 and substitute therefor the following:

§ 949.51 *Class I milk.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area plus 42 cents.

4. Renumber §§ 949.53, 949.54 and 949.55 and all references to them wherever they appear in the order to read "§§ 949.52, 949.53 and 949.54", respectively.

5. Delete § 949.80 and substitute the following therefor:

§ 949.80 *Time and method of payment.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of the month during which the milk was received at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the following adjustments: (1) The butterfat differential pursuant to § 949.81, (2) the payment made pursuant to paragraph (a) of this section, (3) marketing service deductions pursuant to § 949.86, and (4) proper deductions authorized by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 949.84, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance due from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the coopera-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

tive association each handler shall pay to the cooperative association on or before the 26th and 13th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show:

(1) The month for which payment is made and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

[F. R. Doc. 55-7811; Filed, Sept. 27, 1955; 8:48 a. m.]

[7 CFR Part 952]

[Docket No. AO 252-A1]

HANDLING OF MILK IN AUSTIN-WACO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Austin, Texas, on March 29-31, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F. R. 1700) upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Austin-Waco, Texas marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 1, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6558)

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record are concerned with.

1. A decrease in the price of milk used in the production of Cheddar cheese;

2. The need for immediate action by the Secretary with respect to Issue No. 1,

3. The level of the Class I milk price and revision of the location differentials applicable to such price;

4. The classification at a regulated plant of milk received from another regulated plant; and

5. Classification of the "route" definition as now provided in the order.

Findings and conclusions. By an emergency decision of the Assistant Secretary issued April 21, 1955 (20 F. R. 2773) action has been taken with respect to Issues No. 1 and No. 2. Findings and conclusions with respect to the remaining material issues, all of which are based on the evidence introduced at the hearing, and the record thereof, are as follows:

3. Refinements should be made in the establishment of the Class I prices for milk received from producer at fluid milk plants.

The order now provides that the Class I milk price in the southern portion of the Austin-Waco marketing area (Zone I) is 45 cents above that provided in the North Texas order (Dallas, Fort Worth) The Class I milk price at plants located outside Zone I and up to 180 miles from such zone as measured from New Braunfels, Texas, is 25 cents less than the Zone I Class I milk price. At plants more than 180 miles but not more than 360 miles from New Braunfels the Class I milk price is 45 cents less than if received at a plant in Zone I. For producer milk received at plants located beyond 360 miles the Class I milk price is reduced an additional 2 cents for each additional 10 miles beyond 360 miles.

The present location adjustment provisions result in a difference of 25 cents between the prices paid producers for Class I milk at plants located in Zone 1 and the prices paid by handlers with plants in Austin, which is only 45 miles from New Braunfels. These plants compete with each other and with handlers from the San Antonio market not only in the procurement of milk from producers but also for sales of fluid milk to retail and wholesale outlets. Plants located in Waco-Temple portion of the marketing area pay the same Class I price as handlers in the Austin market and compete with North Texas handlers for retail and wholesale outlets in the Austin-Waco marketing area. The City of Waco is approximately 100 miles nearer to Dallas than is Austin. About one-third of the milk which is distributed to retail and wholesale outlets in the marketing area is supplied by North Texas handlers. This milk is classified and priced under the North Texas order at 20 cents less than the Class I milk price applicable in the cities of Austin and Waco under the order. North Texas handlers sold substantial quantities of milk in the Austin-Waco marketing area prior to the inception of the Austin-Waco order. A relatively small volume of milk also is disposed of in the west-central portion of the marketing area by a handler who is regulated under Order No. 82 for the Central West Texas marketing area.

A handler who operates a fluid milk plant at New Braunfels, Texas proposed that the Class I price in the southern portion of the marketing area (Zone I) be established at 40 cents above the North Texas Class I price and that two additional price zones be established to the north of Zone I. Under this proposal, the second zone would include Austin and the area surrounding it and the third zone would contain the Temple-Waco area. The Class I prices above that for North Texas would be 30 cents for the second zone and 20 cents for the third zone. This handler testified that there is now too great a difference between the prices in Zone I, where his plant is located, and prices at Austin, where he also has retail and wholesale distribution outlets. He contended that there is no economic justification for a 25-cent difference in the Class I prices between Zone I and the remaining portion of the marketing area. He further contended that the economics of the situation require a graduated schedule of prices above the North Texas Class I price moving from north to south through the marketing area.

Handlers in the Austin area supported the present method of pricing Class I milk and contended that more experi-

ence is needed under the order before the pricing schedule is changed and a similar position was taken by a handler located in Waco. The testimony of these handlers, however, indicates that the present difference between the Class I price at Waco and the North Texas Class I price is too great. These handlers stated that they would prefer that the level of Class I milk price now applicable under the order at Austin and Waco be retained and that provision be made for a compensatory payment on milk disposed of by North Texas handlers in the Austin-Waco marketing area.

Representatives of the San Antonio Producers Association and handlers regulated by the San Antonio order testified that the relationship between the San Antonio and Austin-Waco order Class I prices for plants located in the Austin portion of the marketing area is inconsistent with the general pattern of Class I prices established under Federal orders and particularly under the orders which are in effect in the State of Texas. These handlers argued that either the San Antonio price must be reduced or the Austin price be increased to equalize the competitive situation with respect to the procurement and sale of milk in the overlapping territory wherein handlers under both orders compete with each other. The presence of a number of government installations in and adjacent to the San Antonio marketing area which offers substantial contract business was emphasized. These handlers suggested that the difference between the respective order Class I prices at San Antonio and Austin should not be more than 10 or 12 cents per hundredweight. At the time of the hearing the San Antonio order Class I price (the North Texas Class I price plus 50 cents) was 30 cents above the Austin-Waco order Class I price at Austin.

The Mid-Tex Milk Producers Association, representing a majority of the producers supplying milk to the Austin-Waco marketing area, testified in favor of the present price arrangement and proposed compensatory payments on milk disposed of by plants not subject to the Austin-Waco order. Later in the hearing, a statement was offered to the effect that if different levels of prices were to apply in the Waco and Austin portions of the marketing area, this difference should not be more than 5 or 10 cents per hundredweight.

The testimony and arguments presented at the hearing failed to support a provision for compensatory payments. Nearly all of the testimony was offered in reference to the sales of milk which is subject to the classification and pricing provisions of Order No. 43 for the North Texas marketing area. It was suggested that handlers under the North Texas order have an advantage over handlers under the Austin-Waco order in competing for sales in the Austin-Waco marketing area because of a disparity in the Class I milk prices under the two orders.

It was previously concluded in a decision issued in connection with the promulgation of the Austin-Waco order that Class I prices in this area must be aligned with North Texas Class I prices and such prices should not exceed the North Texas Class I price by more than the cost of moving milk from North Texas plants to the Austin-Waco marketing area. It was also indicated in that decision that under the proper pricing arrangement the adoption of compensatory payments would serve no purpose. So long as prices in the Austin-Waco area are related to North Texas prices and the cost of moving milk to the area and the compensatory payment rate is adjusted by the corresponding transportation rate, there would be no payment on milk originating at North Texas plants which is disposed of in the Austin-Waco marketing area. The introduction of compensatory payments, therefore, would have no significance under the present provisions of the order. Under prevailing conditions in this market, the application of compensatory payments on Class I milk from other federally regulated markets on any other basis might discriminate against other producers of milk.

Since only the prices that handlers are required to pay producers for raw milk are subject to regulation under an order, the appropriate solution to the pricing problem in this area is to adjust the Class I price levels under the Austin-Waco order so that handlers who procure milk under the North Texas order and make sales in the Austin-Waco marketing area do not have an advantage over Austin-Waco handlers in the procurement of milk after considering the cost of moving milk to the marketing area. This should be accomplished by providing the appropriate basic level of prices to which location adjustments apply under the Austin-Waco order and by the proper degree of refinement in the application of such adjustments.

The total Class I sales in the Austin-Waco marketing area (excluding sales by North Texas, Central West Texas and San Antonio handlers) was 9.3 million pounds in February 1955, the month immediately preceding the hearing and the only full month that market-wide data were available for the hearing. Receipts of producer milk during this month were 10.1 million pounds. The sales of handlers from these outside areas amounted to approximately 4 million pounds during the month. It is evident, therefore, that the total Class I sales in the Austin-Waco marketing area exceed receipts of producer milk by about 3 million pounds. Because of the normal seasonal pattern in milk production, it may be concluded that producer receipts in relation to Class I sales were even less during the immediately preceding six months in which production is usually at lower levels.

Because of the proximity of the Austin-Waco market to the North Texas market and especially because handlers from the North Texas area already sell substantial volumes of milk in this area it is essential that the prices which are established under the order for producer milk for Class I uses are no higher than the prices paid by North Texas handlers plus the cost of moving milk to the respective regions of the Austin-Waco marketing area. In view of the fact that the marketing area extends nearly 200 miles from north to south and under the present order, the same Class I price applies to a region extending over nearly 175 miles of this distance, it is clear that a Class I price which is appropriate for one portion of the marketing area will not reflect the economic value of the milk in other portions of the marketing area.

As previously indicated, the pricing problem resolves itself into that of returning to producers who supply milk to plants located in the various portions of the marketing area a price which will encourage the production of Grade A milk to the fullest extent that is justified by economic considerations and at the same time gain as high a Class I utilization as practicable. This basis of pricing over a period of time is in the best interest of producers, handlers and consumers throughout the marketing area.

It has been recognized in this and the other Federal orders regulating the handling of milk in Texas that milk generally has a higher value as it moves from north to south and from east to west in the State. This is because the conditions affecting production of milk are less favorable in these more distant areas and a generally higher level of milk prices prevails as milk moves farther away from the surplus milk producing areas of the country.

Evidence which was presented at the hearing by local handlers indicated that the present location adjustment rates may be somewhat higher than the cost of moving milk by the most efficient means of transportation and exceed by a wide margin the costs which local handlers claim they incur in their own trucking operations. One handler testified that his cost per hundredweight of moving milk by tank truck was approximately one cent for each 10 miles. His testimony indicated further, that this operation was efficiently maintained but it was not clear on the record whether all overhead costs properly applicable to such operation were allocated to it. Another handler claimed similar costs on a large scale wholesale route. Other hauling rates entered as evidence in the record are the rates for intermittent or irregular hauls charged by the Dairyland Transportation Company, a commercial hauler. The rates charged by this company vary slightly based on the size of the tank truck. The rate per mile decreases as the distance of the haul increases. On hauls of a hundred miles, the rate charged by this company is approximately two cents per hundredweight for each 10 miles and is correspondingly less for greater distances.

Much testimony was presented at the Austin-Waco promulgation hearing relative to the location adjustment rate which should be contained in the order. The brief experience in the market since that time would indicate that the location adjustment rates provided as a result of that hearing are not reasonable in view of the actual costs of moving milk throughout and in the vicinity of the marketing area. To retain the same level of location adjustment rates as are now applied under the order would be economically unsound and is likely to provide advantages to some handlers in

the market at the expense of other handlers.

Although the basic factor involved in establishing location adjustment rates is the cost of transportation, transportation costs, like other costs involved in the handling of milk, will vary widely because of the various factors affecting such costs such as: irregularity at which movements of milk are made, the facilities for moving milk, the size of the loads and capacity of trucks available for moving the milk, and the frequency of the use of such facilities. It is especially necessary in establishing a location adjustment rate to establish a rate which gives full consideration to those costs which are most representative and best meet the needs in a given marketing area.

In view of the above stated considerations, it is concluded that the rate for determining location adjustments under the order should be reduced from 2 cents to 1.5 cents for each 10 miles. Based on this rate of location or transportation adjustment, the price for Class I milk at a fluid milk plant located in Zone I would be reduced from 45 cents to 38 cents above the North Texas Class I price. The price to be applied for Class I milk at plants located outside of Zone I would be reduced 1.5 cents for each 10 miles that the fluid milk plant is located outside of Zone I as measured by the straight line distance to such plant from New Braunfels, Texas. This will result in a Class I price at plants located in Austin and Waco of approximately 29 cents and 17 cents, respectively, above the North Texas Class I price.

The proposed schedule of prices for Class I milk at various plants in or outside of the marketing area will reflect its economic value to the market at the respective locations of such plants. It also will provide a level of prices at such plants which is reasonable and economically sound in relation to prices prevailing for milk both in the North Texas marketing area and from alternative sources of supply in other dairy regions of the country.

A producer association and some handlers in their exceptions objected to establishment of location adjustments on the basis of 10-mile zones for the reason that slightly different prices would result at different plants located in the vicinity of the principal population centers of the marketing area, particularly at Austin and Temple, Texas. It was suggested that this could be overcome by providing location adjustments based on the straight line distance to the county seat of the county in which the fluid milk plant is located. All plants which presently supply milk to the marketing area are located in or near the county seats of the respective counties. In order to promote a desired degree of uniformity in the prices paid by such plants, this suggestion should be adopted.

It was also suggested, since Class I prices are based on the North Texas Class I price, that location adjustments be added to the North Texas Class I price rather than establishing a price for Zone I and deducting location adjustments from such price. Although all supply plants which now furnish milk to the marketing area are located near the marketing area, it is possible that the suggested arrangement could result in unreasonable prices at distant supply plants which might become associated with the market. It is necessary to provide a means of establishing location adjustments which will result in prices at the plant of origin in accordance with the economic value of milk with respect to the marketing area regardless of the location of such plant. For that reason, the method of establishing Class I and uniform prices f. o. b. the southern portion of the marketing area with appropriate location adjustments for plants located outside of this area should not be changed.

A producer association objected strenuously to any pricing plan which would reduce the Class I price in the Waco portion of the marketing area at this time. The association argued also that the zone structure should be established in such a manner as to provide a Class I price in the Waco portion of the marketing area at not less than 20 cents over the North Texas Class I price and a price at Austin of not more than 30–32 cents over the North Texas price. Handlers argued in their exceptions that the price at Waco should be further reduced and the price in Austin should no be more than 20 cents above the North Texas Class I price.

Under the recommended method of establishing prices for the various regions of the marketing area on the basis of location, as heretofore discussed, there appears to be no economic or logical basis by which the proposed schedule of location adjustments can be modified to accomplish the results sought by producers. Any changes which might be made either in the general level of prices or the prices prevailing in the various locations in the marketing area must relate to the basic rate of the location adjustment. Such rate has been determined on the basis of this record to be ecnomically sound and appropriate not only with regard to the level of prices throughout the marketing area but also with regard to the relationship of such level of prices to those prevailing in other nearby Federal order markets.

The resulting prices in the Waco portion of the marketing area will be reduced only 3 cents. With the seasonal increase in basic prices that usually takes place at this time of the year, the proposed change should not result in a decrease in the actual Class I prices received by producers of milk for this portion of the marketing area at this time. It is concluded that the prices resulting from the changes herein decided upon will be in the best interest of orderly marketing in the Austin-Waco marketing area.

Notice is hereby taken of a recommended decision of the Deputy Administrator of the Agricultural Marketing Service issued as of this date on proposed amendments to Order No. 49 regulating the handling of milk in the San Antonio marketing area. In that decision, it is concluded that the Class I price of the San Antonio marketing area should be the North Texas Class I price plus 42 cents. The level of prices recommended for the Austin-Waco marketing area is consistent with and reflects the appropriate economic relationship with prices recommended for the San Antonio marketing area. The level of prices recommended for the San Antonio and for the Austin-Waco marketing areas will reflect a reasonable and appropriate economic relationship with prices in the Corpus Christi marketing area, which is also subject to Federal regulation and which at times may depend on milk from these regulated areas as a source of supplemental supplies.

In view of the fact that the Class I price under the Austin-Waco order is based solely upon the North Texas Class I price, provision should be made for a basis of determining the Class I price if for some reason the North Texas order were terminated or temporarily suspended. It is possible that other price quotations applied in other order provisions may at some future time not be available on the basis specified in the order. It is concluded, therefore, that provision should be made for the market administrator to use a price determined by the Secretary to be equivalent to the price specified in the order in case such price is not available in the form specified. A similar provision is included in a number of other Federal orders.

4. The order provision relative to classification of milk transferred between regulated plants should be revised.

Fluid milk products transferred from one regulated plant to another are now classified on the basis of the agreed classification reported by the handlers operating such plants. In order for the milk to be classified as Class II milk, the transferee plant must have an equivalent amount of Class II utilization, and if either of the handlers have other source milk, the milk transferred must be classified so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

It was proposed that the order be amended to provide that milk transferred between regulated plants be classified as Class II milk to the extent of the Class II utilization remaining in the transferee plant after allocating other source milk to Class II. The testimony showed that the present transfer provisions in conjunction with the individual handler pool permit the classification of transfers as Class I milk while all of the Class II utilization in the transferee plant is assigned to producers directly supplying such plant. It was shown that this resulted in inequality in returns to producers.

It is in the interest of good marketing practice to encourage plants to procure their requirements for Class I milk from the nearest source and to keep expenditures for transportation in the marketing of producer milk at a minimum. However, it is not possible for a plant to keep receipts of producer milk in perfect balance with Class I sales in each month of the year. Because of day to day and month to month fluctuations in Class I sales and in the production of milk, it is necessary for a distributing plant to maintain a reserve of milk above daily bottling requirements. This

reserve milk, therefore, must be utilized in manufactured Class II products. In the case of plants which procure their milk supplies both directly from producers and from other plants, it is not reasonable that such producers should bear the entire cost of carrying the necessary reserve. Likewise, it is also not reasonable for the producers who furnish milk to supply plants to bear the entire cost of carrying such reserves for the distributing plant which processes their milk.

It is concluded, therefore, that the transfer provision should be amended to provide that the proportion of the milk which is transferred between two regulated plants and classified as Class I milk shall not exceed the proportion of producer milk assigned to Class I utilization in the transferee plant. This will provide for equality in the classification of milk of producers supplying both plants.

5. The definition of a "route" as now provided in the order should not be changed.

It was proposed at the hearing that the route definition be amended to provide that milk received in consumer packages will not displace producer milk in Class I utilizations. Under the allocation provisions of the order, bulk milk which is transferred to another plant for custom bottling as Class I milk and is again received by the distributing plant in consumer packages is allocated from the Class I sales of the distributing plant. This is done because when the milk is transferred by the distributing plant for custom bottling, it is classified as a Class I disposition and again when it is disposed of to retail or wholesale outlets by such plant. Packaged milk which is received from a non-fluid milk plant in the absence of a custom bottling arrangement is considered as other source milk. Even though other source milk may be used in the custom bottling transaction, producer milk in the distributing plant is assured the full Class I disposition of such plant because all other source milk in such plant is allocated first to Class II utilization. Therefore, the present allocation provisions of the order carry out the full intent of the proposal and no change is necessary in the route definition.

Determination of representative period. The month of July 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Austin-Waco, Texas marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Austin-Waco, Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Austin-Waco, Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 23d day of September 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area

§ 952.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Austin-Waco, Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 952.44 (a) and substitute therefor the following:

(a) In the classification indicated by both handlers in their reports submitted for the month to the market administrator pursuant to § 952.30 if transferred in the form of products designated as Class I milk in § 952.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler: *Provided,* That the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler: *And provided further* That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

2. In § 952.50 delete "45 cents" and substitute therefor "38 cents."

3. Delete § 952.53 and substitute therefor the following:

§ 952.53 *Location adjustments to handlers.* For that milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk the price specified in § 952.50 shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.

4. Add a new section to read as follows:

§ 952.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

5. Delete § 952.92 and substitute therefor the following:

§ 952.92 *Location differential to producers.* In making payment to producers pursuant to § 952.90, the uniform price and the base price to be paid for producer milk received at a fluid milk plant located outside of Zone I shall be reduced 1.5 cents for each 10 miles or

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.

[F. R. Doc. 55-7812; Filed, Sept. 27, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11507; FCC 55-961]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a joint petition filed on July 13, 1955, by El Mundo, Inc., and Ponce de Leon Broadcasting Company, Inc. of Puerto Rico, requesting it to amend the Table of Assignments in Section 3.606 of its Rules and Regulations, by shifting Channel 7 from Ponce, Puerto Rico, to Mayaguez, Puerto Rico, as follows:

City	Channel No.	
	Present	Proposed
Mayaguez, P. R.	3+, 5−	3+, 5−, 7+
Ponce, P. R.	7+, 9−	9−

3. In support of the proposed amendment, petitioners submit that Channel 7 may be assigned to Mayaguez in conformance with minimum separation requirements, and note that no application has been filed for Channel 7 at Ponce. Petitioners represent that if Channel 7 is shifted to Mayaguez, El Mundo, Inc., will withdraw its application for Channel 3 in Mayaguez, which application is in conflict with that of Ponce de Leon Broadcasting Company, Inc. of Puerto Rico, and will apply for Channel 7. It is urged that this will eliminate the necessity for a comparative hearing on the conflicting applications for Channel 3, and thus lead to an early establishment of competitive television services in Mayaguez. The Commission notes that a third conflicting application for Channel 3 has been filed by Supreme Broadcasting Company, Inc. Radio Americas Corporation (WORA-TV) has been granted an authorization for Channel 5 at Mayaguez. The Ponce Rotary Club has filed a letter in opposition to this proposal.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views before taking further action.

5. The Commission expects that the parties filing comments in this proceeding will direct their attention to whether the community of Mayaguez is sufficiently large to warrant the assignment of and to support the operation of three television stations.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 21, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 21, 1955.

Released: September 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-7822; Filed, Sept. 27, 1955; 8:52 a. m.]

[47 CFR Part 12]

[Docket No. 11501; FCC 55-953]

AMATEUR RADIO SERVICE

RADIO TELEPRINTER TRANSMISSIONS

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a petition from the American Radio Relay League requesting that the present lower limit of 800 cycles on the frequency shift used for amateur radio teleprinter transmissions be removed.

3. In support of its petition the League pointed out that "* * * the use of a lesser frequency shift will accomplish a reduction of interference," and expressed belief that the proposed amendment "* * * will permit more extensive experimentation with radio teleprinter communication, will result in an improvement in and simplification of teleprinter techniques, and thereby will provide a more reliable means of communication."

4. Believing that there is sufficient reason to warrant proposed rule making in this matter, the Commission is proposing amendment of § 12.107 (c) and (d) of part 12 as set forth below.

5. Authority for issuance of the proposed amendment is vested in the Commission by virtue of sections 4 (i) and 303 (e) (g) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 28, 1955, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and four copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 21, 1955.

Released: September 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

Amendment of § 12.107 of Part 12, rules governing Amateur Radio Service, is proposed as follows:

1. Amend paragraph (c) to read as follows:

(c) When frequency shift keying (type F-1 emission) is utilized, the deviation in frequency from the mark signal to space signal, or from the space signal to the mark signal, shall be less than 900 cycles per second.

2. Amend paragraph (d) to read as follows:

(d) When audio frequency shift keying (type A-2 or type F-2 emission) is utilized, the highest fundamental modulating audio frequency shall not exceed 3000 cycles per second, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be less than 900 cycles per second.

[F. R. Doc. 55-7823; Filed, Sept. 27, 1955; 8:52 a. m.]

[47 CFR Part 14]

[Docket No. 11502; FCC 55-954]

RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

AUTHORIZED EMISSION OF CERTAIN COAST STATIONS

In the matter of amendment of Part 14 of the Commission's Rules regarding

authorized emission of coast stations using telegraphy in the band 415–490 kc.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendment proposed to be adopted is set forth below.

2. The proposed amendment deals with authorized emission for use by coast telegraph stations subject to Part 14 operating in the band between 415 and 490 kc.

3. A similar provision in Part 7 of the rules is presently in effect (amendment 7–14, adopted April 27, 1955, Docket 11223) As was the case in the amendment to Part 7, the instant proposal is necessitated by the narrowing of available spectrum space in the frequency band 415–490 kc for coast telegraph stations under the Atlantic City Radio Regulations and the consequent reduction of spacing between adjacent frequencies assigned to such stations. Improved accommodation of operations under this reduction may be accomplished by either (1) use of a considerably reduced authorized emission-bandwidth for modulated emission or (2) limiting the purposes for which modulated emission may be used. It appears that imposition of a requirement for reduction in bandwidth at the present time would necessitate considerable modification or replacement of existing equipment. It is believed that adoption of the latter course of action will effect a satisfactory result, through prohibiting use of modulated emission in the band 415–490 kc by coast telegraph stations except for brief testing or when transmitting distress, urgency or safety signals or any communications preceded by one of these signals. The proposed restriction would be made effective 90 days after this proposal is finalized by the Commission.

4. The proposed amendment is issued under the authority contained in sections 303 (e) (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 28, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's Rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: September 21, 1955.

Released: September 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Part 14 is amended as follows:

1. The table in § 14.152 (b) is amended to read:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1600 kc	A-1, and for brief testing A-0.
Fixed	From 1605 to 1800 kc (except 1650 kc) From 2000 to 2065 kc From 2107 to 3500 kc From 4000 to 6000 kc	A-1, and for brief testing A-0; A-2 until January 1, 1957 only.
Coast	From 415 to 490 kc	A-1 and for brief testing A-0. A-2, A-2a, A-2b for brief testing and distress, urgency, and safety signals, or any communication preceded by one of these signals.
Ship	From 405 to 490 kc	A-1, A-2, A-2a, A-2b and for brief testing A-0.
Coast and ship	From 490 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Coast and ship	From 1605 to 1800 kc From 2000 to 2065 kc From 2107 to 3500 kc From 4000 to 6000 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957 only.
Coast and ship	From 2065 to 2107 kc	A-1, and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F-1, F-2, and for brief testing F-0.

[F. R. Doc. 55-7824; Filed, Sept. 27, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SUMMARY PROSPECTUS PREPARED BY INDEPENDENT ORGANIZATIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a proposed § 230.434 (Rule 434) which would specify the conditions under which bulletins or cards prepared by certain independent statistical services and summarizing information contained in a preliminary prospectus might be deemed to be summary prospectuses meeting the requirements of Section 10 of the Act for the purpose of section 5 (b) (1) prior to the effective date of the registration statement. The proposed action would be taken pursuant to section 10 (b), 10 (d) and 19 (a) of the Securities Act of 1933.

It is understood that certain statistical services prepare and circulate to regular subscribers bulletins or cards of this general type with respect to new issues deemed by the service to be of general interest. Copies of the cards may be sold in bulk to underwriters and dealers for distribution. The subject is discussed in Securities Act Release No. 464 (1935) where it is pointed out that mere circulation of the cards to subscribers would not constitute a violation of the Securities Act of 1933 under the conditions there described.

The amendments to the Securities Act of 1933 made by Public Law 577, 83d Congress, permit securities to be offered prior to the effective date by means of a prospectus, or summary prospectus, which meets the requirements of Section 10. If a card or bulletin of the type referred to above is used by underwriters or dealers, particularly if distributed in connection with an offering, it might constitute a prospectus within the meaning of Section 2 (10) of the Act. The proposed rule would, therefore, prescribe conditions under which such a card or bulletin would be deemed a summary prospectus meeting the requirements of Section 10, thus permitting its use as such prior to the effective date.

The text of the proposed rule is as follows:

§ 230.434 *Summary prospectus prepared by independent organizations.* (a) A bulletin, card or other document which summarizes information contained in a form of prospectus (hereinafter called a "preliminary prospectus") filed as a part of the registration statement and containing the information specified in paragraph (a) of § 230.433 (Rule 433) shall be deemed to be a summary prospectus which meets the requirements of section 10 of the act for the purpose of section 5 (b) (1) thereof prior to the effective date of the registration statement, provided the following conditions are met:

(1) Such summary prospectus is prepared by an independent organization primarily engaged in publishing statistical and financial manuals with respect to securities generally, as distinct from particular classes, issuers or localities, and in circulating to subscribers statistical and financial information and summaries.

(2) The issuer of the securities to which the prospectus relates is required to file reports pursuant to sections 3 and 15 (d) of the Securities Exchange Act of 1934.

(3) No consideration is paid directly or indirectly by such issuer, any underwriter or dealer participating or proposing to participate in the distribution posing to participated in the distribution, or any affiliate of any of the foregoing, for the preparation of the summary: *Provided, however* That nothing herein shall prevent the payment of the usual subscription price, or the regular purchase price of reprints or copies.

(4) The summary prospectus shall be dated, shall contain a fair summary of information contained in the latest form of preliminary prospectus which has been filed as part of the registration statement at the time when the summary prospectus is issued by the organization preparing it, shall not stress the favorable as against the unfavorable aspects of the issuer or the security, and shall not include any rating, recommendation, or other expression of opinion as to the merits of the issuer or the security. The summary may contain the name and address of the organization issuing it, and the name and address of the person distributing it.

(5) The summary prospectus shall include on the front thereof substantially the following statement:

Information contained herein is based upon a registration statement filed under the Federal Securities Act of 1933 which is subject to correction and amendment. These securities may not be sold nor may offers to buy them be accepted prior to the time when the registration statement becomes effective. Further and more complete information is contained in the prospectus which must be furnished to purchasers.

The summary prospectus may also contain any statement or legend required by state law or administrative authority.

(b) If, subsequent to the preparation of such summary prospectus, a material amendment to the preliminary prospectus is filed, and, in the opinion of the Commission or of the organization issuing such summary prospectus, it no longer is a fair summary of information contained in the preliminary prospectus as amended, such organization shall promptly prepare a revised summary prospectus which shall be forwarded by such organization to all persons to whom the original summary prospectus was furnished by such organization. Such revised summary prospectus shall be accompanied by a notice that the original summary prospectus should no longer be used. Any summary prospectus used pursuant to this rule is subject to the suspension power of the Commission under section 10 (b) of the act.

(c) A summary prospectus used pursuant to this rule need not be filed with the Commission as part of any registration statement or otherwise.

All interested persons are invited to submit views and comments on the proposed rule in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 15, 1955. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 19, 1955.

[F R. Doc. 55-7808; Filed, Sept. 27, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 19, 1955.

The Bureau of Land Management has filed an application, Serial No. Fairbanks 012679, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but excepting provisions of the mineral leasing laws and Materials Act. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

LAKE MINCHUMINA

U. S. Survey 3315: Lot 1, containing 2.04 acres.

LOWELL M. PUCKETT,
Area Administrator

[F R. Doc. 55-7803; Filed, Sept. 27, 1955; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 19, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 031140, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws, the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, nor the Recreation Act of June 14, 1926 (44 Stat. 741) as amended by the Act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869) nor the Materials Act of July 31, 1947 (61 Stat. 681, 43 U. S. C. 1185-1187) *Provided, however* That no application for the lands may be allowed under the said Small Tract Act unless the land shall be first classified as valuable or suitable for such type of application. The applicant desires the land for the preservation and protection of scenic values and for public service sites.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at the North section corner common to Sections 3 and 4, T. 11 North, Range 3 West, S. M., thence with metes and bounds South 1 mile; East ½ mile; South ½ mile; East ½ mile; South 1 mile; East ½ mile; South ½ mile; East ½ mile; South ½ mile; East 1 mile; South ½ mile; East ½ mile; South ½ mile; East 1 mile; South ½ mile; East 1½ miles; South ½ mile; East ½ mile; South 1½ mile; East 1½ miles; South approximately ½ mile beyond the Alaska Railroad tracks and the Anchorage-Seward Highway to the northerly shore of Turnagain Arm; thence with the meanders of the northerly shore of Turnagain Arm seaward of the Alaska Railroad tracks and the Anchorage-Seward Highway 11 miles approximately to the township line, (T. 11 N., R. 3 W., and T. 12 N., R. 3 W., S. M.) thence East approximately 1¼ miles to the North section corner common to Sections 3 and 4, T. 11 N., R. 3 W., S. M., point of beginning.

The public lands in the areas described aggregate approximately 4,377.57 acres.

In terms of legal description, the above lands are described as follows:

T. 11 N., R. 3 W., S. M. (part unsurveyed),
Secs. 4, 5, and 9;
Sec. 10, W½ and SE¼
Sec. 14, SW¼
Secs. 15, 22, and 23;
Sec. 24, S½
Secs. 25 and 26.
T. 11 N., R. 2 W., S. M. (unsurveyed),
Sec. 29, SW¼
Sec. 30, fractional W½ and SE¼,
Sec. 31, 32, and 33, fractional;
Sec. 34, SW¼.
T. 10 N., R. 2 W., S. M. (unsurveyed),
Secs. 2, 3, and 4, fractional.

LOWELL M. PUCKETT,
Area Administrator

[F R. Doc. 55-7804; Filed, Sept. 27, 1955; 8:46 a. m.]

Office of the Secretary

LOS COYOTES BAND OF MISSION INDIANS OF CALIF.

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Los Coyotes Reservation was duly adopted by the Los Coyotes Band of Mission Indians of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the intro-

duction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Los Coyotes Band, Provided, that such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved, that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

DOUGLAS MCKAY,
Secretary of the Interior

SEPTEMBER 22, 1955.

[F. R. Doc. 55-7805; Filed, Sept. 27, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order No. 157 (Amended)]

OFFICE OF STRATEGIC INFORMATION

ORGANIZATION AND FUNCTIONS

AUGUST 23, 1955.

The material appearing in 19 F R. 8045-8046 is superseded by the following:

SECTION 1. *Purpose.* .01 The purpose of this order is to define the organization and functions of the Office of Strategic Information established by Department Order No. 157 effective November 1, 1954.

.02 This order is issued pursuant to a directive of the National Security Council which provides that the Department of Commerce shall be responsible for the implementation of certain policy determinations governing unclassified scientific, technical, industrial, and economic nonstatistical information.

SEC. 2. *Delegation of authority.* The authority vested in the Secretary of Commerce by the National Security Council with respect to the matters described in Section 3 below is hereby redelegated to the Director, Office of Strategic Information.

SEC. 3. *Scope of activity.* .01 The Department of Commerce has been assigned responsibility for several aspects of a program designed to coordinate the release of unclassified scientific, technical, industrial, and economic information, the indiscriminate distribution of which may be inimical to the defense interests of the United States. The Department shall

1. Establish an advisory committee composed of appropriate agencies for the purpose of furnishing guidance to and establishing policy for executive agencies on the publication of unclassified scientific, technical, industrial, or economic (nonstatistical) information originating in departments and agencies of the executive branch, where such publication might be prejudicial to the defense interests of the United States.

2. Provide a central clearing house to which business and industry may look for guidance for their voluntary use in considering the public release of unclassified scientific, technical, industrial, or economic (nonstatistical) information where such publication might be prejudicial to the defense interests of the United States; and

3. Establish an advisory committee to coordinate and establish the policies of agencies of the United States government in the exchange of publications with foreign countries and organizations; to study the possibilities for pooling exchange operations for greater effectiveness in the national interest and security; to cooperate with and render advice to private organizations in connection with private international exchanges of publications.

.02 The Secretary of Commerce in consultation with appropriate Federal Agencies will establish the Committees indicated in Sections 3.011 and 3.013.

.03 The Bureau of the Budget has been assigned responsibility with respect to the publication of statistical information from the standpoint of the national security.

SEC. 4. *Organization and functions.* .01 The Office of Strategic Information, a constituent unit of the Office of the Secretary of Commerce, is headed by a Director who reports and is responsible directly to the Secretary of Commerce.

.02 The Office of Strategic Information is responsible for formulating policies and providing advice and guidance to public agencies, industry and business, and other private groups who are concerned with producing and distributing information described in Section 3 of this order.

.03 The Office of Strategic Information shall undertake to publicize the availability of the voluntary guidance program described in Section 3.012 and establish procedures for handling materials which may be submitted for review and determination as to their strategic value.

.04 The Office of Strategic Information shall take positive steps to alert the American business community to the dangers involved in the indiscriminate release of strategic information and solicit the voluntary cooperation of business and industry in the accomplishment of the objectives of this program.

.05 The Office of Strategic Information shall formulate policies and provide advice and guidance to departments and agencies of the executive branch of the Federal Government respecting the publication of unclassified information with which this order is concerned.

.06 The Office of Strategic Information shall formulate policies and provide advice and guidance to departments and agencies of the executive branch respecting the exchange of publications with foreign countries and organizations.

.07 The Office of Strategic Information shall cooperate with and render advice to private American organizations in connection with private international exchanges of publications.

.08 The Office of Strategic Information shall perform such other functions inherent in the responsibilities set forth in this order.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-7802; Filed, Sept. 27, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2355 et al.]

NORTHEAST-SOUTHWEST SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 12, 1955, 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 23, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-7830; Filed, Sept. 27, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Amdt. 0-11]

STATEMENT OF ORGANIZATION

"SEMI-ANNUAL" AND "ANNUAL" LISTINGS

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing that the number of examinations given does not warrant continued holding of semi-annual examinations at Amarillo and El Paso, Texas, nor at Hilo, Wailuku and Lihue, Territory of Hawaii, and that such examinations should instead be given annually; and

It further appearing that for the same reason Manchester, N. H., and Springfield, Mo., should be eliminated as annual examination points; and

It further appearing that the amendment herein ordered is not substantive in nature and therefore compliance with the public rule making procedures required by section 4 (a) and (b) of the Administrative Procedure Act is not required and the amendment may be made effective October 1, 1955:

It is ordered, Pursuant to authority contained in section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information; sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and section 3 (a) of the Administrative Procedure Act, that section 0.413 (c) (1) of the Commission's Statement of Organization, Delegations of Authority and Other Information is amended as set forth below, effective October 1, 1955.

Adopted: September 21, 1955.

Released: September 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Part 0—Statement of Organization, Delegations of Authority and Other Information, is amended as follows:

1. Amend section 0.413 (c) (1) by removing from the "semi-annual" listing, the cities of Amarillo and El Paso, Texas, as well as Hilo, Wailuku and Lihue, Territory of Hawaii, and adding these cities in alphabetical sequence to the "annual" listing within this subsection.

2. Amend section 0.413 (c) (1) by removing from the "annual" listing, the cities of Manchester, N. H. and Springfield, Mo.

[F. R. Doc. 55-7827; Filed, Sept. 27, 1955; 8:53 a. m.]

[Docket Nos. 11417, 11418; FCC 55-943]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CHANGING PLACE OF HEARING

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Co., Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of September 1955;

The Commission having under consideration its Order of June 22, 1955, herein, designating the above-entitled applications for a hearing to be held in Manitou Springs, Colorado; the Hearing Examiner's Order of August 16, 1955 (FCC 55M-734, Mimeo No. 32034) denying a petition for reconsideration of the Examiner's earlier denial of a petition to change the place of hearing to Washington, D. C., an appeal from the aforesaid August 16 order filed by Taylor Broadcasting Company on August 17, 1955; a statement with respect to the appeal filed by Boulder Radio KBOL, Inc., on August 19, 1955; and a comment on the appeal filed by the Broadcast Bureau on August 19, 1955;

It appearing that the Examiner correctly ruled in his August 16, 1955, order that he could not amend the hearing order in the manner requested; but that the appeal may otherwise be treated as a request to change the place of hearing;

It further appearing that the hearing issues are on engineering matters primarily, that it has been Commission policy to hold hearings on such issues in Washington to assure the availability of and access to engineering data in the Commission's files, that it would not conduce to prompt disposition of the engineering issues to have them heard in Colorado as would be required by our order of designation, that with respect to the non-engineering issue which involves section 307 (b) considerations the evidence may be reduced to written form and introduced expeditiously, and that the deposition procedures provided by the Commission's Rules are available to expedite the hearing process;

It further appearing that Garden of the Gods Broadcasting Company, on the basis of whose plea of hardship the hearing was specified for Manitou Springs, although served with the instant appeal and other pleadings, has filed no comment or opposition to a removal of the hearing site to Washington, D. C., but that, however, Boulder Radio KBOL, Inc., a party but not an applicant herein, states that its principals will be accommodated by hearings in Colorado and urges that the hearings be there held; and

It further appearing that the prompt dispatch of the Commission's business and the ends of justice would best be served by holding the hearing herein in Washington, D. C.,

It is ordered, That our Order of June 22, 1955, is amended to specify that the hearing will be held at the offices of the Commission in Washington, D. C.

Released: September 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7825; Filed, Sept. 27, 1955; 8:52 a. m.]

[Docket Nos. 11444, 11445; FCC 55M-802]

COLUMBIA-MT. PLEASANT AND SPRING HILL RADIO CORP., AND SAVANNAH BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Columbia-Mt. Pleasant and Spring Hill Radio Corporation, Columbia, Tennessee, Docket No. 11444, File No. BP-9557; S. Q. Hanna tr/as the Savannah Broadcasting Co., Savannah, Tennessee, Docket No. 11445, File No. BP-9697; for Construction Permits.

It is ordered, This 16th day of September 1955, that Hugh B. Hutchison, in lieu of William G. Butts, will preside at the hearing in the above entitled proceeding, which is hereby continued from October 10, 1955, to 10:00 a. m., Monday, December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7826; Filed, Sept. 27, 1955; 8:52 a. m.]

[Docket Nos. 11102, 11255; FCC 55-965]

CHEROKEE BROADCASTING CO. AND VALLEY BROADCASTING CO.

MEMORANDUM OPINION AND ORDER PROVIDING FOR AMENDMENT OF ISSUES

In re applications of Max M. Blakemore and E. C. Blakemore, d/b as Cherokee Broadcasting Company, Murphy, North Carolina, Docket No. 11102, File No. BP-9210; Valley Broadcasting Company, Murphy, North Carolina, Docket No. 11255, File No. BP-9464, for Construction Permits.

1. The Commission has under consideration a petition filed on March 7, 1955, by Valley Broadcasting Company, seeking modification of the hearing order of July 7, 1954, requesting that the issues be enlarged by adding the so-called Evansville issue and thus permit inquiry into the sufficiency of funds as proposed by Cherokee Broadcasting Company. In addition, the petition requests that the Commission review the action of the Hearing Examiner on March 3, 1955, in denying Valley's request that Cherokee be required to supply Valley with certain information concerning Cherokee's construction and budget estimates, together with its plans with respect to location, construction, and layout of studios and offices. On March 17, 1955, Cherokee filed an opposition and the Chief, Broadcast Bureau, filed comments. The petitioner filed a reply on March 24, 1955.

2. Cherokee and Valley are competing applicants for a construction permit for a new standard broadcast station to operate on 600 kilocycles, with power of 1 kilowatt, daytime only, at Murphy, North Carolina. For a better understanding of the questions involved for determination, a brief statement of background material will be helpful.

3. Cherokee's application was filed with the Commission on March 8, 1954. By Commission Order of July 7, 1954, Cherokee's application was designated for hearing in consolidation with the application of Greenwood Broadcasting Company, Inc. for similar facilities to be constructed in Chattanooga, Tennessee. In that proceeding, the Commission found each applicant to be legally, technically, and financially qualified, and specified that the hearing be held under the following issues: (a) To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the availability of other primary service to such areas; (b) the usual comparative issues concerning background and experience, management and operation, and programming service; and (c) a determination between the applicants in the light of section 307 (b) of the Communications Act of 1934, as amended.

4. Thereafter, on September 10, 1954, Valley filed its application for a construction permit so as to establish a standard broadcast station also at Murphy, North Carolina. By Commission Order of January 19, 1955, Valley's application was consolidated with the applications of Cherokee and Greenwood and designated for hearing under the same issues as specified in the Order of July 7, 1954, but with the addition of two issues directed toward Valley, i. e., its financial qualifications and the effect of Valley's proposed operation on the existing operation of Station WROL in Knoxville, Tennessee. Subsequently, on March 11, 1955, the Commission dismissed Greenwood's application on its request.

5. Although Valley was not a party to the proceeding until the Commission's Order of January 19, 1955, Valley was allowed to participate in the pre-hearing conference contingently due to the pendency of its application.

6. In support of its petition, with respect to the sufficiency of funds issue, Valley contends that as of the date of the Commission's Order of July 7, 1954, designating Cherokee for hearing, it was the Commission's established policy to grant

such authority to the Examiner and that the absence of such a provision could only have been caused through inadvertence.

7. Next, petitioner states that it served on Cherokee a written request for additional information; that Cherokee advised that it would not supply the requested information and the Examiner refused to require Cherokee to do so; that the Examiner premised his refusal to direct Cherokee to supply the requested information on the absence of any authorization in the Cherokee hearing order to place in issue the financial qualification of Cherokee Broadcasting Company. Valley relies on section 1.841 (e)[1] of the Commission's Rules and Regulations in support of its request for additional information from Cherokee.

8. In its opposition to the instant petition, regarding the modification of issues, Cherokee contends that Valley's petition was not timely filed in accordance with section 1.389 of the Commission's Rules which provides that such motions must be filed with the Commission not later than 15 days after the issues in the hearing have been published in the FEDERAL REGISTER. The Broadcast Bureau feels that a grant of the petitioner's request regarding the sufficiency of funds issue would be consistent with the policy adopted by the Commission in the Evansville case, see In the Matter of South Central Broadcasting Corp., et al., 9 Pike and Fischer Radio Regulations 1035 (1953) The Broadcast Bureau does not believe, however, that the Examiner's refusal to direct Cherokee to furnish the information requested should be reversed, nor that the Examiner's authority was abused in the instant proceeding.

9. With respect to petitioner's request for a "sufficiency-of-funds" issue, since our South Central decision, it has been our policy to permit the Examiner the authority to consider the necessity of enlarging the issues in this area. The request for such an issue falls within the purview of this policy.

10. We note that the petitioner relies on § 1.841 (e) of the Commission's Rules and Regulations in requesting additional information regarding the basis for Cherokee's financial estimates and its plans with respect to the location, construction and layout of its studios and offices. This rule does, however, subject any such request by any party to the proceeding to the "order of the Examiner in the light of the circumstances of a particular case." We are not convinced that the Examiner abused his authority in this matter, therefore, the request for a reversal of the Examiner's ruling must be denied.

11. *Accordingly, it is ordered,* This 21st day of September 1955, that the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on proper motion by a party to the proceeding and upon sufficient allegations of fact in support thereof by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

12. *It is further ordered,* That that portion of Valley Broadcasting Company's instant petition which requests the Commission to review and reverse the Examiner's order of March 3, 1955, is denied.

Released: September 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7816; Filed, Sept. 27, 1955; 8:50 a. m.]

[Docket No. 11227; FCC 55-969]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM

ORDER AMENDING ISSUES

In re application of City of New York, Municipal Broadcasting System (WNYC) New York, N. Y., Docket No. 11227, File No. BSSA-266; for Special Service Authorization to operate additional hours from 6:00 a. m., e. s. t., to sunrise New York City and from sunset Minneapolis, Minnesota, to 10:00 p. m., e. s. t.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of September 1955:

The Commission having under consideration (1) a petition to enlarge the issues, filed by Midwest Radio-Television, Inc. (WCCO), on December 27, 1954; (2) an opposition to the above-mentioned petition to enlarge the issues filed by the City of New York Broadcasting System (WNYC) on December 31, 1954; (3) an opposition to the above-mentioned petition to enlarge the issues filed by the Chief of the Commission's Broadcast Bureau on January 17, 1955; (4) a reply to the opposition to its petition to enlarge the issues filed by Midwest Radio-Television, Inc. (WCCO) on January 24, 1955.[1]

It appearing that, by Order dated December 2, 1954, the Commission designated the above entitled application for hearing upon issues designed to determine, inter alia, the areas and populations which may be expected to receive primary service from the pre-sunrise and post-sunset operation proposed by WNYC and the availability of other primary service to such areas and populations; the type and character of the program service to be rendered by the proposed operation; whether the proposed operation would involve objectionable interference with Station WCCO, Minneapolis, Minnesota, and, if so, the nature and extent thereof; and to determine whether the public interest, convenience or necessity would be served by a grant of the above-entitled application for extension of a Special Service Authorization:

It further appearing that, Midwest Radio-Television, Inc., requests that the issues be enlarged to include the following three additional issues;

(5) To determine whether or not there is any unusual and temporary need for the requested Special Service Authorization and, if there is, the nature and extent thereof.

(6) To determine whether or not a grant of the application would tend towards a fair, efficient, and equitable distribution of radio service among the several states and communities, as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

(7) To determine whether or not the proposed operation conforms to and complies with the Rules and Regulations of the Commission, including the Standards of Good Engineering Practice Concerning Standard Broadcast Stations;

It further appearing that petitioner requests the explicit addition of the aforementioned three issues in order to eliminate uncertainty and make available to the Commission full and complete information as to the matters involved in the application of WNYC for an extension of a Special Service Authorization;

It further appearing that for the reasons advanced by petitioner the enlargement of issues requested should be granted;

It is ordered, That the above-entitled petition to enlarge the issues is granted and the Order released December 6, 1954, setting forth the issues in the hearing on the application of City of New York Municipal Broadcasting System (WNYC) for an extension of Special Service Authorization is amended to add the aforesaid Issues 5, 6 and 7.

Released: September 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7817; Filed, Sept. 27, 1955; 8:50 a. m.]

[Docket No. 11500; FCC 55-952]

BELL TELEPHONE COMPANY OF PENNSYLVANIA

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of the application of the Bell Telephone Company of Pennsylvania, Docket No. 11500, File No. 1934-C2-P-55; for a construction permit to establish, on a developmental basis, a new station for one-way signaling in the Domestic Public Land Mobile Radio Service at Allentown, Pennsylvania.

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[1] Section 1.841 (e) provides any party to a proceeding such as this shall be entitled to receive from any other party thereto certain information upon written request therefor "Unless otherwise provided by agreement pursuant to § 1.813 (b), or by order of the Examiner in the light of the circumstances of a particular case "

[1] On January 10, 1955, Midwest Radio-Television, Inc., filed a petition requesting extension of its time to reply to the opposition of WNYC be extended from January 17, 1955, to January 24, 1955. While this petition has not been acted upon by the Commission to date, WCCO did file its reply to the oppositions of WNYC and the Broadcast Bureau on January 24, 1955, and the reply has been considered herein.

1. The Commission has before it (1) a protest timely filed on August 24, 1955, by Richard E. Law, licensee of station KGA809, a one-way signaling station in the Domestic Public Land Mobile Radio Service at Allentown, Pennsylvania (hereinafter called Law) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of July 27, 1955, granting without hearing the above-entitled application of The Bell Telephone Company of Pennsylvania (hereinafter called Bell) for a construction permit for two base station transmitters, one at Allentown and one at Bethlehem, Pennsylvania, to provide, on a developmental basis, a one-way signaling service to portable pocket-type receivers in the Allentown-Bethlehem area; and (2) an opposition to the said protest filed by Bell on September 6, 1955.

PRELIMINARY STATEMENT

2. On May 13, 1955, Bell applied for a construction permit for the two base stations mentioned in paragraph 1 above. At that time, the frequency 35.58 Mc. was assigned to Law at Allentown for use in the rendition of his one-way service. Under the provisions of § 6.401 (c) of the Commission's Rules, the frequencies 35.58 Mc. and 43.58 Mc. are available for assignment to stations of communications common carriers for use exclusively in providing a one-way signaling service to mobile receivers. It is the policy of the Commission to make frequency assignments in this service on an interference-free basis in each area of operation. Thus, the only frequency regularly available to Bell at the time its application was filed was 43.58 Mc. Bell's application requested a waiver of § 6.401 (a) of the Commission's Rules to permit the use of a different frequency than 43.58 Mc. (selected from a group of frequencies assigned to a region of the country denominated as Zone II) Pennsylvania is located in Zones I and VIII (as defined in § 6.401 (a) of our rules) The reason for not wishing to operate on the frequency 43.58 Mc. was stated as being a desire to avoid causing interference to television reception in the Allentown-Bethlehem area, a condition uniformly encountered in other areas of the country when 43.58 Mc. was utilized for this service, due to inadequate television receiver design. Waiver was also requested of Section 6.318 of the Commission's Rules to permit the rendition of service for hire, in accordance with legally applicable tariffs, as the proposed service was "primarily a commercial trial to determine customer acceptance" The need for this waiver was occasioned by the fact that the Commission's rules (§ 6.318) prohibit the rendition of commercial service on a developmental grant. By order dated July 27, 1955, the Commission waived the above-mentioned rules and granted the application.

LAW'S PROTEST

3. Law alleges that the grant of the Bell application, and the operation of the proposed radio facility thereunder, will result in the addition of another commercial one-way service in the Allentown-Bethlehem area; that additional competition "will most seriously and adversely affect the revenues and potential development of Protestant's station and will seriously threaten Protestant's investment and ability of the Protestant to survive"; that "Protestant is, as a matter of law, entitled to protection from ruinous competition such as proposed by Bell"; that "Bell has made no showing whatsoever of need for the additional commercial service proposed by it"; that "Its [Bell] monopoly of land transmission facilities will enable it to compete unfairly with a small businessman already set up to render a one-way signalling service at Allentown"; that "Bell does not require a waiver of § 6.318 of the Commission's rules to develop this service"; that "Bell is not an equipment manufacturer"; and, therefor, "does not require a developmental authorization to develop equipment"; and that "There is no possible justification for developmental work in this field where so many pioneers are already rendering service, * * *"

4. Law requests that the application be designated for hearing upon the following issues:

(a) To determine whether there is any need for any additional one-way stations in the Bethlehem-Allentown area.

(b) To determine whether there is sufficient business protential in the Allentown-Bethlehem market to support a second one-way signalling station.

(c) To determine whether, in the light of the monopoly presently enjoyed by Bell, a grant of the developmental station applied for by Bell would, by permitting it to extend its monopoly position in a new field, constitute a violation of the antitrust laws.

(d) To determine whether, in the light of the issues raised by United States v. Western Electric Company & AT&T, such further extension of the Bell monopoly would violate the antitrust laws.

(e) To determine whether, in the light of the fact that one-way stations are being operated throughout the United States by independent businessmen, it would be in the public interest and in the best interests of the American free-enterprise system, to permit Bell to invade this field which has up to this date not yet been contaminated by its monopoly tenacles (sic).

(f) To determine why Bell seeks the developmental authorization and what its future plans for extending this service are.

(g) To determine why Bell, an organization engaged in rendering communications service, is interested in developing equipmen used in one-way signalling service.

(h) To determine why Bell cannot use regularly established one-way signalling frequencies keeping it competitive, at least engineering-wise, with independent one-way signalling operators.

(i) To determine why Bell seeks to develop this one-way signalling service in the relatively small communities of Allentown-Bethlehem.

(j) To determine why Bell did not seek to develop its service in a more populated center where statistically, results obtained might be more meaningful.

(k) To determine why Bell, in the event it is interested in one-way signalling service to pocket receivers, should not conform to Commission rules set up for the service.

(l) To determine, in the light of the evidence adduced upon the foregoing issues [and those added hereto by the Commission] whether the public interest, convenience or necessity would be served by a grant of the application of Bell for a developmental station in the one-way signalling service at Allentown-Bethlehem, Pennsylvania, and whether the company is qualified to receive such a grant.

THE OPPOSITION TO THE PROTEST

5. On September 6, 1955, Bell filed an opposition to the protest. The opposition, in summary, urges that the protest "should be denied in its entirety because it obviously does not satisfy the requirements of section 309 (c) [of the Act] * * *"; [in that] "The protest is completely argumentative and general in nature, and fails to set forth any facts which establish a basis for a hearing"

DISPOSITION OF THE PROTEST

6. In alleging that the grant to Bell will result in ruinous competition, and that there is no need for an additional service in the area involved, Law has presented allegations which suffice, in a case involving communications common carriers, to afford him both standing to protest and a basis for hearing under the provisions of section 309 (c) of our Act. However, most of the other allegations of the protest, as well as the suggested issues, are generalized, argumentative and conclusionary in nature. Some of the suggested issues, e. g., (d) (e), (i) and (j) appear to be addressed to matters which not only are argumentative and conclusionary, but which look to the development of facts which are not wholly relevant to the real issues which should be tried herein.

7. Accordingly, in the light of our conclusions in paragraph 6 above, and in order to carry out the intent of Congress with respect to section 309 (c) of our Act, as interpreted by the U. S. Court of Appeals, District of Columbia Circuit in Clarksburg Publishing Co. v. FCC, Case No. 12441 (12 RR 2024), we shall designate this matter for hearing upon the issues which we deem appropriate, as follows:

1. To determine the nature and extent of service rendered by Law, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

2. To determine the nature and extent of service proposed by Bell, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

3. To determine the need for the one-way signaling service proposed by Bell in the Allentown-Bethlehem area and the nature and extent of any benefits to the public arising from applicant's proposed service.

4. To determine the applicant's reasons for offering the subject service in the Allentown-Bethlehem area.

5. To determine whether the provisions of Section 314 of the Communications Act of 1934, as amended, are applicable to the instant application.

6. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

8. *Accordingly, it is ordered,* That, the effective date of the Commission's action of July 27, 1955, granting the above-entitled application is postponed pending a

final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

9. *It is further ordered,* That, the above-entitled application is designated for hearing, upon the issues specified in paragraph 7 above, to be held at the Commission's offices in Washington, D. C., on the 28th day of November 1955, at 10:00 a. m., before Examiner Thomas H. Donahue; and

10. *It is further ordered,* That, the burden of proof on issues 2, 3, 4 and 6 is placed upon the applicant, and the burden of proof on issues 1 and 5 is placed upon the protestant; and

11. *It is further ordered,* That, Richard E. Law, and the Chief, Common Carrier Bureau are made parties to the proceedings herein; and

12. *It is further ordered,* That, the parties desiring to participate herein shall file their appearances not later than October 5, 1955.

Adopted: September 21, 1955.

Released: September 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-7818; Filed, Sept. 27, 1955; 8:50 a. m.]

[Docket Nos. 11503, 11504; FCC 55-959]

HARRY LAURENCE HILL AND ARLINE S. HODGINS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harry Laurence Hill, Fort Lupton, Colorado, Docket No. 11503, File No. BP-9842; Arline S. Hodgins, Brighton, Colorado, Docket No. 11504, File No. BP-9885; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of September 1955;

The Commission having under consideration the above-entitled applications of Harry Laurence Hill for a construction permit for a new standard broadcast station to operate on 800 kilocycles with a power of 500 watts, daytime only, at Fort Lupton, Colorado; and Arline S. Hodgins for a construction permit for a new standard broadcast station to operate on 600 kilocycles with a power of 250 watts, daytime only, at Brighton, Colorado; and

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section-309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 11, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in light of the evidence pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: September 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7819; Filed, Sept. 27, 1955; 8:51 a. m.]

[Docket Nos. 11505, 11506; FCC 55-960]

HI-LINE BROADCASTING CO. AND WOLF BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mike M. Vukelich, E. E. Krebsbach and Robert E. Coffey, d/b as Hi-Line Broadcasting Company, Wolf Point, Montana, Docket No. 11505, File No. BP-9720; Charles L. Scofield and Willard L. Holter, d/b as the Wolf Point Broadcasting Company, Wolf Point, Montana, Docket No. 11506, File No. BP-9843; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of September 1955;

The Commission having under consideration the above-entitled applications of the Hi-Line Broadcasting Company and The Wolf Point Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1490 kilocycles with a power of 250 watts, unlimited time, at Wolf Point, Montana; and

It appearing that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and that each proposed operation would involve interference with Station KGCX, Sidney, Montana (1480kc, 5kw, DA-1, Unl.) and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 5, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in letters dated March 11 and August 2, 1955, E. E. Krebsbach, licensee of Station KGCX and a party to the Hi-Line Broadcasting Company, accepted the interference which would be caused to KGCX by the proposal of the Hi-Line Broadcasting Company but opposed a grant of the application of The Wolf Point Broadcasting Company because of the interference which the proposal would cause to KGCX; and

It further appearing that after consideration of these replies to its letter the Commission is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would involve objectionable interference with Station KGCX, Sidney, Montana, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in above-entitled applications would better service the public interest in light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in light of the evidence adduced pursuant to the forego-

ing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That E. E. Krebsbach, licensee of Station KGCX, Sidney, Montana, is made a party to the proceeding.

Released: September 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 55-7820; Filed, Sept. 27, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2952 etc.]

DEEP SOUTH OIL COMPANY OF TEXAS ET AL.

NOTICE OF OPINION NO. 284 AND ORDER

SEPTEMBER 22, 1955.

In the matters of Deep South Oil Company of Texas, Docket No. G-2952; Humble Oil & Refining Company Docket No. G-5261, Shell Oil Company, Docket No. G-4671.

Notice is hereby given that on September 9, 1955, the Federal Power Commission issued its opinion and order adopted September 2, 1955, in the above-entitled matters, affirming Examiner's decision denying petitions for declaratory order filed herein and determining that the sales of each petitioner described in its petition are hereby determined to be subject to regulation under the Natural Gas Act, and each of the petitioners herein is hereby determined to be a "natural-gas company" by reason of the sales described in its petition.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7806; Filed, Sept. 27, 1955; 8:46 a. m.]

[Docket No. G-2401 etc.]

DIXIE PIPE LINE CO. ET AL.

NOTICE OF OPINION NO. 285 AND ORDER

SEPTEMBER 22, 1955.

In the matters of Dixie Pipe Line Company, Docket No. G-2401, Southeastern Drilling Company, Docket Nos. G-2693, G-6807 The Gwin Company Docket No. G-2694; Laurel Royalty Company, Docket Nos. G-2695, G-6807· I. P LaRue, et al., Docket Nos. G-2696, G-6807; C. M. Dorchester, Docket Nos. G-2697, G-6807; F D. Harrell and B. D. Mortimer, Docket Nos. G-2698, G-6807· J. K. Wright, Docket Nos. G-2699, G-6807· A. M. Crowell, Docket Nos. G-2700, G-6807· J. K. Wright, Jr., Docket Nos. G-2701, G-6807; G. G. Green, Docket Nos. G-2702, G-6807 D. D. Whitaker, et al., Docket Nos. G-2703, G-6807; P G. Lake, Docket Nos. G-2704, G-6807; C. R. Ridgway, et al., Docket Nos. G-2705, G-6807· Durbin Bond and Company, Inc., Docket Nos. G-2706, G-6807; D. Whitaker, Docket Nos. G-2707, G-6807· C. L. Morgan, Docket Nos. G-2708, G-6807· I. P LaRue and C. G. Stanford, Docket Nos. G-2709, G-6807 Robert C. Hynson, Docket Nos. 2710, G-6807· Carter Foundation Production Co., Docket Nos. G-2711, G-6807· Grief Raible, Docket Nos. G-2768, G-6807; Humble Oil & Refining Company, Docket No. G-3105.

Notice is hereby given that on September 9, 1955, the Federal Power Commission issued its opinion and order adopted September 2, 1955, in the above-entitled matters, denying applications under Sections 7 (b) and 7 (c) of the Natural Gas Act in the matters of Dixie Pipe Line Company, et al., Docket No. G-2401, et al., and directing Humble Oil and Refining Company to file with the Commission an amendment to its application in Docket No. G-3105 conforming said application to Humble's contractual obligations and to represent the service actually being rendered on June 7, 1954,

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7807; Filed, Sept. 27, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 79]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 23, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rules 40 of the General Rules of Practice of the Commission (39 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 340 Sub 9 filed September 20, 1955, QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, Texas. Applicant's attorney· Joe T. Lanham, Perry-Brooks Building, Austin, Texas. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats,* fresh, frozen or not frozen, hanging or in boxes, between San Antonio, Texas, on the one hand, and, on the other, points in Kansas, Iowa, Missouri, Illinois, Indiana, Ohio and Michigan. The applicant is presently authorized to conduct operations in Illinois, Missouri, Ohio and Texas.

No. MC 18350 Sub 20, filed August 26, 1955, SHEA-MATSON TRUCKING CO., a corporation, 2053 North 30th Street, Milwaukee 8, Wis. Applicant's attorney· C. R. Dineen, 341 Empire Building, 710 N. Plankinton Avenue, Milwaukee 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Articles and commodities,* the transportation of which, because of size, weight, or shape, require the use of special equipment or special handling or rigging, and *related machinery parts and related materials and supplies,* when their transportation is incidental to the transportation of articles and commodities which, by reason of size, weight, or shape require the use of special equipment or special handling or rigging, (1) between points in Wisconsin, on the one hand, and, on the other, points in Illinois, (2) between points in Wisconsin and Illinois, on the one hand, and, on the other, points in Indiana, Iowa, Missouri, and the Lower Peninsula of Michigan, (3) between points in Wisconsin on and south of Wisconsin on and south of Wisconsin Highway 33 and on and east of U. S. Highway 51, on the one hand, and, on the other, points in Minnesota and those in the Upper Peninsula of Michigan, except road construction machinery between points in Wisconsin, on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and (4) between points in Illinois, on the one hand, and, on the other, points in Minnesota. This application seeks to broaden the commodity description authorized in Certificate Nos. MC 18350 and MC 18350 Sub 13, and to retain the same description of routes and territories. Certificate No. MC 18350 authorizes *Heavy machinery, equipment and supplies,* requiring specialized handling, over irregular routes, as described in route (1) above. Certificate No. MC 18350 Sub 13 authorizes *Machinery* and *equipment* the transportation of which, because of its size or

weight, requires the use of special equipment, and *related machinery parts* and *related materials and supplies*, when their transportation is incidental to the transportation of such machinery and equipment, over irregular routes, as described in routes (2) (3) and (4) above. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Tennessee, West Virginia and Wisconsin. Note: Applicant states it intends by this application to substitute for the commodity description contained in Certificate Nos. MC 18350 and MC-18350 Sub 13 the above commodity description, without any change in the points of origin and points of destination.

No. MC 18869 Sub 9, filed August 4, 1955, CHARLES KRINVIC AND GEORGE KRINVIC, doing business as KRINVIC BROTHERS, 2618 Easton Road, Willow Grove, Pa. Applicant's representative: G. A. Bruestle, S. E. Corner Broad and Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Insecticides, fungicides, spray materials*, and *materials used in the manufacture of fertilizers and spray materials*, from Newark, N. J., New York, N. Y., and Philadelphia, Pa., to points in Florida. Applicant is authorized to conduct operations in Pennsylvania, New Jersey and New York.

No. MC 28478 Sub 6, filed August 8, 1955, and amended September 12, 1955, DOYLE FREIGHT LINES, INC., 172 Davenport St., Saginaw, Mich. Applicant's attorney: Carl H. Smith, Sr., 210–214 Phoenix Building, Bay City, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Detroit, Mich., and points in Warren and Sterling Townships, McComb County, Mich., and Troy Township, Oakland County, Mich. Applicant is authorized to conduct operations in Illinois and Michigan.

No. MC 29120 Sub 50, filed August 15, 1955, (AMENDED) published September 14, 1955 on Page 6759, WILSON STORAGE AND TRANSFER CO., a corporation, 110 North Reid Street, Sioux Falls, S. Dak. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *articles of unusual value*, moving in express service, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Aberdeen, S. Dak., and Marmarth, N. Dak., over U. S. Highway 12, serving the intermediate points of Mina, Ipswich, Beebe, Roscoe, Bowdle, Selby, Glenham, Mobridge, McLaughlin, Cadillac, Walker, McIntosh, Watauga, Morristown, Keldron, Thunder Hawk, Lemmon, and White Butte, S. Dak., and Haynes, Hettinger, Bucyrus, Reeder, Gascoyne, Scranton, Buffalo Springs, Bowman, and Rhame, N. Dak., and the off-route point of Java, S. Dak. RESTRICTION: (a) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Milwaukee, St. Paul and Pacific Railroad, hereinafter called the Railway. (b) Said carrier shall not serve any point not a station on the rail line of the Railway. (c) All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as it may find necessary in order that such arrangements shall be fair and equitable to the parties; and (d) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation authorized herein to a service which is auxiliary to, or supplemental of, rail service.

NOTE: Applicant states this application is primarily for the purpose of securing authority to transport "Head End" Traffic (described as express, baggage, cream, empty cans and company mail of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company), which service will be distinctly separate from the applicant's service over the above route authorized in MC 29120. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

No. MC 46599 Sub 25, filed September 16, 1955, HEALZER CARTAGE CO., a corporation, 1428 West 9th Street, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock and household goods as defined by the Commission, (1) from junction Illinois Highway 100 and U. S. Highway 67, over Illinois Highway 100 to junction U. S. Highway 136, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's presently authorized regular route operations between Kansas City, Mo. and Peoria, Ill., (2) from junction Illinois Highway 116 and U. S. Highway 24, over Illinois Highway 116 to junction U. S. Highway 66, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's presently authorized regular route operations between Kansas City, Mo. and Milwaukee, Wis., (3) from junction U. S. Highway 51 and U. S. Highway 24, over U. S. Highway 51 to junction U. S. Highway 30, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's presently authorized regular route operations between Kansas City, Mo. and Milwaukee, Wis., via Peoria, Ill., and (4) from junction Illinois Highway 116 and U. S. Highway 24, over Illinois Highway 116 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction U. S. Highway 30, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's presently authorized regular route operations between Kansas City, Mo. and Milwaukee, Wis., via Peoria, Ill. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri and Wisconsin.

No. MC 55311 Sub 26, filed September 9, 1955, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Corrugated liner board* and *corrugated cartons*, knocked down flat, from Miamisburg, Ohio, to Eaton, Hartford City, Montpelier, Muncie, and Portland, Ind., and *damaged shipments of the above-specified commodities*, on return.

No. MC 64932 Sub 144, filed November 30, 1953, reopened, on the Commission's own motion, for further hearing, without limitation, ROGERS CARTAGE CO., 1932 S. Wentworth Ave., Chicago 16, Ill. Applicant's attorney: Jack Goodman, 39 S. La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid plastic materials, varnishes, glue, resins*, and *chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Illinois, Indiana, Kentucky, Tennessee, Missouri, Iowa, Minnesota, Michigan, Kansas, Wisconsin, and Alabama. Applicant is authorized to conduct operations from specified origin points to points in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Pennsylvania, West Virginia, Arkansas, Mississippi, Louisiana, Texas, and Tennessee.

No. MC 66585 Sub 5, filed August 25, 1955, TURNER CARTAGE & STORAGE CO., 1657 Howard St., Detroit, Mich. Applicant's attorney: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery* and *contractors' supplies and equipment*, of such size or weight as to require special handling or the use of special equipment, between Detroit, Mich., on the one hand, and, on the other, points in Michigan; *electrical equipment, plumbing tools* and *machinery parts* weighing 2,000 pounds or less, between Detroit, Mich., on the one hand, and, on the other, installation sites located within fifty (50) miles of Detroit; *heavy plant machinery* requiring special handling and equipment between points in Michigan; *liquid corn products*, in bulk, in tank vehicles, from Detroit, Mich., to points in Michigan; *machinery, contractors' equipment*, and *commodities* of such size or weight as to require special handling or the use of special equipment, between Detroit, Mich., and points within twenty-five (25) miles of Detroit, on the one hand, and, on the other, points in Michigan.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the Second proviso of Section 203 (a) (1) of the Interstate Commerce Act, supported by intrastate certificates on file with this Commission. Application is directly related to MC-F-6097 published Page 6763 under Section 5 applications issue of September 14, 1955.

No. MC 75147 Sub 6, filed August 25, 1955, GENERAL RIGGERS & ERECTORS, INC., 1111 Beaufait Ave., Detroit, Mich. Applicant's attorney: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, contractors' equipment,* and *commodities* which because of size or weight require special handling or the use of special equipment, except structural and fabricating steel, between Detroit, Mich., on the one hand, and, on the other, points in Michigan.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission. Application is directly related to MC-F-6067 published page 6763 under Section 5 applications issue of September 14, 1955.

No. MC 83539 Sub 21, filed September 16, 1955, C & H TRANSPORTATION COMPANY, INC., P. O. Box 5976, 2135 West Commerce Street, Dallas, Tex. Applicant's attorney: W T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipe lines; *heavy machinery and heavy machinery parts* when moving in connection therewith; and *commodities,* which because of size or weight, require the use of special equipment, handling or rigging, and *parts thereof* when moving in connection with such commodities, between points in Illinois, Indiana, Kentucky, Mississippi and Arkansas, on the one hand, and, on the other, points in Louisiana. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

No. MC 89693 Sub 25, filed September 12, 1955, J. D. HARMS, doing business as HARMS PACIFIC TRANSPORT, Route 2, Box 2148, Bellevue, Wash. Applicant's attorney: James T. Johnson, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid fertilizer* and *fertilizer ingredients,* in bulk, in tank vehicles, from Rockford, Dayton, and Walla Walla, Wash., to points in Oregon in and east of Wasco, Jefferson, Deschutes and Klamath Counties, Oreg., and points in Idaho in and north of Idaho County, Idaho, and *contaminated shipments* on return.

No. MC 96570 Sub 1, filed August 22, 1955, MINNETONKA MOTOR EXPRESS, INC., 105—1st Ave., Northeast, Minneapolis, Minn. Applicant's Attorney: Leonard E. Lindquist, Midland Bank Building, Minneapolis 1, Minn. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wayzata, Minn., and Long Lake, Minn., over U. S. Highway 12, serving all intermediate and off-route points located in the Long Lake, Minn. termini area, and also return over County Highway 146 from Long Lake, Minn. to junction County Highway 7 at Crystal Bay, Minn., and thence over County Highway 7 to Wayzata, for operating convenience only, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Minnesota.

No. MC 98184 Sub 2, filed August 29, 1955, MORRIS G. LARAMIE & SON, INC., 16200 W Eight-Mile Road, Detroit 35, Mich. Applicant's attorney: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Excavating equipment, erecting equipment, heavy machinery* and *cranes* the transportation of which, because of size or weight requires the use of special equipment, between Detroit, Mich., on the one hand, and, on the other, points in Michigan; *heavy plant machinery* requiring the use of special equipment, between points in Michigan; *heavy machinery,* other than plant machinery, *structural steel, power shovels, tanks,* and *commodities,* which because of size or weight, require special handling or the use of special equipment, between points in Michigan, except that traffic shall not be originated at any point within the cities of Saginaw, Bay City, Lansing, Battle Creek, Grand Rapids, and Muskegon, Mich., or points within twenty-five (25) miles of each if destined to any point other than that located within an area bounded on the north by Michigan Highway 59 and on the west and south by U. S. Highway 23, and except the transportation of storage tanks originating at Owosso, Mich.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission. Application is directly related to MC-F-6067 published page 6763 under Section 5 applications issue of September 14, 1955.

No. MC 100592 Sub 8 (amended) filed August 2, 1955, JAMES STUFFO, INC., A and Venango Streets, Philadelphia 34, Pa. Applicant's attorney: M. Randall Rigging, and *related machinery parts* Marston, 515 E. Wynnewood Road, Merion Station, Pa. For authority to operate as *contract carrier* over irregular routes, transporting: (1) *metal windows, metal window sections,* and *metal doors,* glazed and unglazed, crated and uncrated: *parts* and *fittings* for such windows and doors; and *aluminum extrusions;* from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Illinois, Indiana, Ohio, West Virginia, and Michigan, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *clay sewer pipe;* from points in the above-specified destination territory, to Philadelphia, Pa. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: If and when the authority applied for herein is granted applicant's present outstanding authority under Permit issued in Docket No. MC 100592 insofar as it is duplicated by authority now being applied for will or should be cancelled before issuance of Permit covering instantly applied for authority.

No. MC 103880 Sub 154, filed August 31, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Robert H. Levy, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid urea formaldehyde resins,* in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone, as defined by the Commission, to points in Arkansas, Wisconsin, Minnesota, Ohio, Indiana, Michigan, Tennessee, and Kentucky. Applicant does not presently hold any authority to transport the commodities named in this application.

No. MC 104340 Sub 124, filed September 13, 1955, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, 600 Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from Wellsville, Ohio, to points in Pennsylvania on and south of U. S. Highway 322 from the Ohio-Pennsylvania State line to junction U. S. Highway 219, and thence on and west of U. S. Highway 219 to the Pennsylvania-Maryland State line, and those in West Virginia west of the West Virginia-Maryland State line from the Pennsylvania-Maryland-West Virginia State lines to point where intersected by U. S. Highway 219, thence on and west of U. S. Highway 219 to junction U. S. Highway 33, and thence on and north of U. S. Highway 33 to the West Virginia-Ohio State line. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia.

No. MC 105269 Sub 21, filed September 14, 1955, GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. Applicant's attorney: Kit F Clardy, 712 Olds Tower, Lansing, Mich. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Paper mill supplies,* such as foil, aluminum backed with paper or other suitable matter, from Louisville, Ky., St. Louis, Mo., Davenport, Iowa, and points in Indiana, Illinois, and Ohio, to Kalamazoo, Mich., and points within five (5) miles thereof, and (2) *paper mill products,* such as aluminum foil, dishes, plates, trays, and pans including covers, from Kalamazoo, Mich., and points within five (5) miles thereof, to Louisville, Ky., St. Louis, Mo.,

Davenport, Iowa, and points in Indiana, Illinois, and Ohio, together with *Motion to Dismiss* on the ground that applicant presently has authority authorizing the transportation service sought herein, and accordingly requests that the application be dismissed if it is found that he has the necessary authority. Any interested person may obtain a copy of the notice upon request from applicant's attorney and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of application of this notice in the Federal Register. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio.

No. MC 107107 Sub 71, filed September 15, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, meat products, meat by-products; dairy products; frozen foods; fresh and processed fruits, vegetables, fish, seafood, and nuts; condiments; spices; bakery supplies, materials, and products; candy; confectionery; salad dressing; cocoa; coffee; pie filler; mincemeat; cereals; olives; flavoring compounds, syrups, and extracts; edible and cooking oils; macaroni; spaghetti;* and *rice,* from points in Nassau, Suffolk, Rockland, and Westchester Counties, N. Y., those in Bergen, Passaic, Union, Essex, Middlesex, Somerset, and Morris Counties, N. J., and points in the Philadelphia, Pa. Commercial Zone, as defined by the Commission, to Atlana, Ga. and Savannah, Ga. and points in Florida; *empty containers* or *other such incidental facilities* (not specified) *used in transporting the commodities specified in this application* on return. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 107515 Sub 193, filed September 1, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier* over irregular routes, transporting: *Candies,* from Kansas City, Mo., to points in Tennessee, North Carolina, South Carolina, Alabama, and Mississippi. Applicant is authorized to conduct operations in Florida, Georgia, Kansas, and Missouri.

NOTE: J. L. Lawhon, President and principal stockholder in applicant herein holds authority under Permits issued in Docket No. MC 104589 and Subs thereof to perform certain contract carrier operations; therefore, Section 210 matters may be involved in this proceeding.

No. MC 107515 Sub 195, filed September 15, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier* over irregular routes, transporting: *Gelatine salads,* requiring the use of temperature controlled vehicles, from Atlanta, Ga. to points in North Carolina, South Carolina, Tennessee, Alabama, Florida, Mississippi, and Louisiana.

No. MC 108449 Sub 36 (amended) filed August 8, 1955, INDIANHEAD TRUCK LINE, INC., 1947 W County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W Stephens, 121 W Doty St., Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum, petroleum products,* and *all derivatives thereof,* in bulk, in tank vehicles, *fertilizer compounds* (not otherwise identified by name) *fertilizer fertilizer ingredients,* and *liquid fertilizers* and *fertilizer ammoniating solutions,* including but not limited to *anhydrous ammonia, aqua ammonia, nitrogen solutions,* and *nitrogen solids,* in bulk or containers; *liquid sulphur* and *sulphur products,* in bulk, either dry or in liquid form; and *coal, coke,* and all *derivatives thereof,* in bulk; between points in Minnesota, Wisconsin, Michigan, Illinois, Iowa, Nebraska, South Dakota, North Dakota, and those ports of entry into the United States which are located in Minnesota, and North Dakota on or near that portion of the United States-Canadian International Boundary line situated between Canada, and the states of Minnesota, and North Dakota. RESTRICTION: No authority being sought to render service between any two points located in any one single state or in the same state. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

No. MC 109136 Sub 9, filed August 22, 1955, THE ORIOLE TERMINAL & TRANSPORTATION CO., a corporation, Eastern and Central Aves., Baltimore 2, Md. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Liquid caustic soda,* in bulk, in tank vehicles, from the Army Chemical Center, near Edgewood, Md., to points in Pennsylvania on and east of U. S. Highway 11 from the Maryland State line to Harrisburg, Pa., and on and south of U. S. Highway 22 from Harrisburg to the New Jersey State line, except that no additional authority is sought to points in Pennsylvania within 25 miles of Philadelphia, Pa. NOTE: Applicant has common carrier, irregular route authority in MC 56640 issued October 28, 1953. Applicant is authorized to conduct operations in Delaware, Maryland, and Pennsylvania.

No. MC 110140 Sub 3, filed August 8, 1955, amended September 7, 1955, published in the September 21, 1955, issue on page 7090 further amended September 15, 1955, MAYO ROBISON, doing business as LUMBER TRUCKING SERVICE, 943 Nebraska Street, Seattle, Wash. Applicant's attorney: George R. LaBissoniere, 835 Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier* over irregular routes, transporting: *Lumber* from the International Boundary Line between the United States and Canada, at or near Sumas, Wash., to Seattle, Wash. Restricted to International traffic originating at Langley, Fort Langley and Mission City, British Columbia, Canada. Applicant is authorized to conduct operations in Washington.

No. MC 110525 Sub 280, filed September 2, 1955, (Amended), CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps, and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Coal tar products, acids* and *chemicals,* in bulk, in tank vehicles, (1) from points in Marshall County, W. Va., to points in Tennessee, Mississippi, Georgia, North Carolina, and Arkansas; and (2) from points in Tuscarawas County, Ohio, to points in Georgia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 110559 Sub 1, filed September 14, 1955, CONCRETE MOTOR FREIGHT INC., 1003 South 16th Street, Mount Vernon, Wash. Applicant's representative: Gilbert & Gilbert, Matheson Building, Mount Vernon, Wash. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Mount Vernon, Wash., and Diablo, Wash., from Mount Vernon over U. S. Highway 99 to Burlington, Wash., thence over Washington Highway 1 to junction Washington Highway 1F, thence over Washington Highway 1F to Sedro Woolley, Wash., thence over Washinton Highway 17A to Marblemount, thence over Washington Highway 17 to Newhalem, and thence over unnumbered Washington Highway to Diablo, and return over the same route, serving all intermediate points east of Sedro Woolley and (2) between junction unnumbered Washington Highway and Washington Highway 17A at or near Concrete, Wash., over unnumbered Washington Highway to Baker Lake, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in the state of Washington.

No. MC 110698 Sub 59, filed September 15, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., Winston Rd. P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids and chemicals* in bulk, in tank vehicles, from Vicksburg, Miss., to points in Kentucky, Missouri, North Carolina, South Carolina, Oklahoma, Texas and Florida, and from West

Henderson, Ky., to points in Arkansas, Mississippi, Pennsylvania, West Virginia, North Carolina and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in South Carolina, Georgia, North Carolina, Virginia, West Virginia, Alabama, Maryland, Tennessee, Florida, Louisiana, and Mississippi.

No. MC 110779 Sub 7, filed September 15, 1955, LEWIS TRANSPORT, INC., Columbia, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier* over irregular routes, transporting: *Petroleum* and *Petroleum products,* such as *lubricating oils and greases* in bulk, in tank vehicles, (1) from Cincinnati, Ohio to Brookville, Butlerville, Corydon, Greensburg, Mitchell, Orleans, Salem, Scottsburg, and Seymour, Ind., and (2) from Cincinnati, Ohio to points in Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Kentucky, Ohio, Tennessee, Virginia, and Indiana.

No. MC 110932 Sub 3, filed September 12, 1955, WILLARD A. THOMAS, Main Street, Arcadia, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Meat scraps, tankage* and *bone meal,* from Dubuque, Iowa, to points in Melrose Township, Jackson County, Wis., those in Arcadia, Burnside, Dodge, Ettrick, Gale, Lincoln, Pigeon, Preston Sumner and Trempealeau Townships, and the Cities of Arcadia, Whitehall, Independence and Blair, Trempealeau County, Wis., and points in Buffalo, Cross, Dover, Glencoe, Montana and Waumandee Townships, Buffalo County, Wis. Applicant is authorized to conduct operations in Iowa, Minnesota and Wisconsin.

NO. MC 110988 Sub 38, filed September 14, 1955, KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Rosin sizing,* in bulk, in tank vehicles, from Appleton, Wis., to points in Illinois, Michigan and Minnesota. Applicant is not now authorized to transport the commodity specified herein.

No. MC 111997 Sub 4, filed September 14, 1955, M. E. SMITH, doing business as RELIABLE TRANSPORTATION COMPANY, 602 South Milner Street, Ottumwa, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Malt beverages* and *advertising matter* used in connection therewith, from Omaha, Nebr., Kansas City, St. Louis, St. Joseph, Mo., and Fort Wayne and South Bend, Ind., to Ottumwa, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, and Wisconsin.

No. MC 112745 Sub 3, filed September 14, 1955, ALFRED BERSETH, doing business as AL BERSEITH TRANSFER, 612 Gilman Street, Stanley, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Furniture parts* and *furniture materials,* uncrated, on skids, from Stanley, Wis., to points in Minnesota on and south of U. S. Highway 2, points in Iowa on and east of U. S. Highway 69, those in Illinois on and north of U. S. Highway 36, those in the Lower Peninsula of Michigan, those in Indiana on and north of U. S. Highway 50, and those in Ohio on and west of U. S. Highway 21, and *skids* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Illinois, Michigan, Minnesota and Wisconsin.

No. MC 112016 Sub 4, filed July 19, 1955, ZIGMUND GANCASZ, doing business as G & M TRUCKING CO., 188 DuPont Street, Brooklyn 22, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Toll booths,* assembled and uncrated, from New York, N. Y. and Bayonne, N. J., to points in Pennsylvania, Ohio, Michigan, Indiana and Illinois. Applicant is authorized to conduct operations in New York, New Jersey and Pennsylvania.

No. MC 112846 Sub 7, filed September 16, 1955, CLARE M. MARSHALL, INC., Box 611, Rouseville Road, Oil City Pa. Applicant's attorney: Paul F Barnes, 811–819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, (1) between Petrolia and Franklin, Pa., on the one hand, and, on the other, Nutley N. J., (2) from Petrolia, Pa., to Carneys Point, Bloomfield, and Newark, N. J., and Brooklyn, N. Y., (3) from Karns City, Pa., to Elizabeth, Kearny, Matawan, Monmouth Junction, and Wood Ridge, N. J., (4) from Emlenton, Pa., to Matawan and Paulsboro, N. J., and (5) from Franklin, Oil City, Emlenton, and Titusville, Pa., to Dearborn, Detroit, East Jordan, Flint, Grand Rapids, Kalamazoo, Midland, Trenton, Traverse City, Flat Rock, Jackson, Muskegon Heights, and Northville, Mich. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania and West Virginia.

No. MC 113524 Sub 7, filed September 16, 1955, JAMES F BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, Suite 944, Washington Building, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Silica Gel Catalyst,* in bulk, in covered-hopper vehicles, from Baltimore, Md., to Delaware City Del., Westville, N. J., and Yorktown, Va.

No. MC 113790 Sub 2, filed August 1, 1955, JOSEPH O. ROE, ORIS H. ROE, AND CARL M. ROE, doing business as ROE BROTHERS TRUCKING COMPANY, 560 East Main Street, Martinsville, Ind. Applicant's attorney: Carl T. Reis, Merchants Bank Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Brick,* from Morgan County, Ind., to Decatur, Ill., and points in Cook, Lake, Will and Dupage Counties, Ill. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Ohio and Michigan.

No. MC 114015 Sub 5, filed July 6, 1955, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Roofing* and *siding,* from points in Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, and Sussex Counties, N. J., to points in Isle of Wight, Mecklenburg, Nansemond, Norfolk, and Princess Anne Counties, Va.

No. MC 114045 Sub 7, filed August 26, 1955, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P O. Box 5842, 1419 S. Fleming St., Dallas 22, Tex. Applicant's attorney: Ralph W Pulley, Jr., First National Bank Bldg., Dallas, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, meat products,* and *meat byproducts,* as defined by the Commission, from Mount Pleasant, Tex., to points in New York, Pennsylvania, Massachusetts, Virginia, West Virginia, Kentucky, Maryland, Delaware, Rhode Island, Connecticut, New Jersey, and the District of Columbia.

No. MC 114630 Sub 1, filed September 14, 1955, JOSEPH KUGELMAN, doing business as JOSEPH KUGELMAN TRUCKING, 1695 Stuyvesant Avenue, Union, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Concrete pipe,* from East Paterson and Folsom, N. J., to points in Delaware and Maryland. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, and Pennsylvania.

No. MC115193 Sub 2, filed September 16, 1955, WARREN TRANSPORT, INC., 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Franklin R. Overmyer, Harris Trust Bldg., 111 West Monroe Street, Chicago 3, Ill. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Metal tanks,* (a) from Beardstown, Freeport and Galesburg, Ill., to points in Colorado, Iowa, Michigan, Minnesota, North Dakota, Nebraska, South Dakota and Wisconsin; and (b) from Minneapolis, Minn., site of Butler Manufacturing Co. plant, to points in Colorado, Illinois, Iowa, Michigan, Nebraska, North Dakota, South Dakota and Wisconsin; and (2) *grain bins* and *corn cribs,* and *buildings,* complete, knocked down, or in sections,

from Galesburg, Ill., to points in Colorado, Iowa, Michigan, Minnesota, Nebraska, North Dakota and South Dakota. Applicant is not now authorized to transport the commodities specified herein.

No. MC 115357 Sub 1, filed September 15, 1955, GEORGE WILLARD TURNER, doing business as TURNER AUTO TRANSPORT, 701 OK Drive, Gashland, Mo. Applicant's attorney: Walter R. James, 1803 Swift Ave., North Kansas City, Mo. For authority to operate as a *common carrier* over irregular routes, transporting: *Used automobiles,* in secondary movements, in truckaway service, between points in Illinois and Missouri. Applicant is authorized to conduct operations from Kansas City, Mo. to points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas.

No. MC 115412, filed June 16, 1955, published in the July 13, 1955, issue, page 5008, amended and republished in the August 10, 1955, issue, page 5799, amended, ALBERT VIGNA, doing business as VIGNA SEAFOOD TRANSPORT, Scriven and First Streets, Darien, Ga. Applicant's attorney: Dan R. Schwartz, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *contract carrier* over irregular routes, transporting: *Seafoods,* fresh or processed, in packages or loose, between points in Glynn County, Ga., on the one hand, and, on the other, points in the United States.

No. MC 115509, filed August 10, 1955, published in the August 24, 1955 issue, on page 6205, amended September 19, 1955, HOWARD BARGREEN, doing business as CROWN DISTRIBUTING CO., 2110 Hewitt Street, Everett, Wash. Applicant's attorney: George R. LaBissoniere, 835 Central Bldg., Seattle 4, Wash. For authority to operate as a *contract carrier* over irregular routes, transporting: *Beer* from San Francisco, Calif., to points in Washington, and *empty beer bottles, cases* and *containers* on return movement.

No. MC 115527 (amended) filed August 18, 1955, E. M. ERICKSON, doing business as E. M. ERICKSON SEEDS AND FEEDS, Withee, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Fibre shipping drums,* and *fibre containers,* between Owen, Wis., on the one hand, and, on the other, points in Ramsey, Washington, Hennepin, and Dakota Counties, Minn. Applicant does not presently hold any authority from this Commission.

No. MC 115565 filed September 12, 1955, LUCILLE S. LAWSON, doing business as LAWSON TRUCKING CO., 344 South Broadway, Seymour, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis 18, Ind. For authority to operate as a *contract carrier* over irregular routes, transporting: *Fertilizer* from St. Bernard, Ohio to points in Indiana on and south of U. S. Highway 40. Applicant now holds common carrier Certificate MC 111621 covering identical authority, which certificate will be surrendered for cancellation upon the granting of contract carrier authority.

No. MC 115566 filed September 12, 1955, HAROLD F POWERS, 18 Redington Street, Littleton, N. H. For authority to operate as a *common carrier* over irregular routes, transporting: *Furniture* from points in New Hampshire to points in Massachusetts, Connecticut, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115574, filed September 13, 1955, D. H. KENLEY, doing business as KENLEY TRANSFER, Box 54, Harlowton, Mont. For authority to operate as a *contract carrier,* over a regular route, transporting: *Mail, express, baggage, milk,* and *cream,* between Harlowton, Mont., and Lennep, Mont., from Harlowton over Montana Highway 6 to Martinsdale, Mont., thence over unnumbered Montana Highway to Lennep, and return over the same route, serving the intermediate points of Twodot and Martinsdale, Mont.

NOTE: Applicant states no passengers will be transported.

No. MC 115575, filed September 14, 1955, VIRGIL CHRISTIANSON and JAMES CHRISTIANSON, doing business as CHRISTIANSON BROS., Bode, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Fertilizer,* from Humboldt, Iowa, to points in Minnesota on and south of U. S. Highway 14.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 29890 Sub 14, filed August 29, 1955, ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in roundtrip special operations, during the authorized racing seasons at race tracks indicated, beginning and ending in Manhattan, New York, N. Y., north of 165th Street, and the Bronx, New York, N. Y., and extending to Garden State Race Track in Delaware Township, N. J., Atlantic City Race Track in Hamilton Township, N. J., Monmouth Park Jockey Club Race Track in Oceanport, N. J., and Freehold Trotting Track in Freehold, N. J., Delaware Park Race Track near Wilmington, Del., Bowie Race Track in Bowie, Md., and Laurel Race Track in Laurel, Md., Pimlico Race Track in Baltimore, Md., Saratoga Race Track in Sarotoga, N. Y., and Good Time Park Trotting Track in Goshen, N. Y., and Lincoln Downs Race Track in Lincoln, R. I. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 29890 Sub 15, filed September 6, 1955, ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special operations in roundtrip sightseeing and pleasure tours, beginning and ending in Manhattan, New York, N. Y., north of 165th Street and in the Bronx, New York, N. Y., and extending to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and ports of entry on the International Boundary Line between the United States and Canada, at New York, Vermont, New Hampshire, and Maine. Applicant is authorized to conduct regular operations in New Jersey and New York.

CORRECTIONS

Docket No. MC 110525 Sub 276, CHEMICAL TANK LINES, INC., Downingtown, Pa., published on page 6205, issue of August 24, 1955. The commodity sought to be transported by instant application. *Dacoral Fuel Oil treatment,* will be transported in bulk, in tank vehicles.

No. MC 115456, LIMOUSINE RENTAL SERVICE, INC., Franklin Turnpike, Mahwah, N. J., published in the July 27, 1955, issue on page 5374, should read Bergen County, *N. J.,* instead of Bergen County, N. Y.

No. MC 115480, published August 24, 1955, on page 6205, Applicant's correct name should read *E. L. BANGERTER* instead of E. L. Angerter.

CORRECTION

No. MC 11220 Sub 61, filed September 2, 1955, published in the September 14, 1955, issue on page 6759, GORDONS TRANSPORTS, INC., 781 So. Main St., Memphis, Tenn. Applicant's attorney: James W Wrape, Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Memphis, Tenn., and Birmingham, Ala., over U. S. Highway 78, as an alternate route, in connection with carrier's authorized regular-route operations between (1) Memphis, Tenn., and Selmer, Tenn., which is a portion of the regular-route operation between Memphis, Tenn., and Corinth, Miss., and (2) Selmer, Tenn., and Birmingham, Ala. Applicant is authorized to conduct operations in Illinois, Tennessee, Missouri, Mississippi, Alabama, Kentucky, Louisiana, and Arkansas.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5938 published in the March 16, 1955, issue of the FEDERAL REGISTER on page 1601. Amendment filed September 13, 1955, to show a new agreement between the parties reflecting the proposed transfer of vendor's entire operating rights. In addition to the authority described in the original notice vendor seeks to transfer the following operating rights: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between St. Joseph, Mo.,

and Shambaugh, Iowa, serving certain intermediate and off-route points.

No. MC–F 6009 published in the June 29, 1955, issue of the FEDERAL REGISTER on page 4610. Application filed September 14, 1955, for temporary authority under Section 210a (b)

No. MC–F 6074. Authority sought for purchase by UNITED TRUCK LINES, INC., E. 915 Springfield Ave., Spokane, Wash., of the operating rights and property of BLAINE AUTO FREIGHT, INC., Blaine, Wash., and for acquisition by JOHN MANLOWE, also of Spokane, of control of the operating rights and property through the purchase. Person to whom correspondence should be addressed: John Manlowe, President, United Truck Lines, Inc., E. 915 Springfield Ave., Spokane 2, Wash. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between Bellingham, Wash., and the boundary of the United States and Canada, serving certain intermediate and off-route points: *Fresh and frozen fish,* including shell fish, over irregular routes, from the boundary of the United States and Canada, near Point Roberts, Wash., to Point Roberts, Wash. Vendee is authorized to operate in Washington, Oregon, Idaho, and Montana. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6075. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar St., (P O. Box 3148), Dallas, Texas, of the operating rights and property of J. IMHOFF & SONS, 401—7th St., Port Arthur, Texas, and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of the operating rights and property through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Bldg., Fort Worth 2, Texas, and G. K. Phares, P O. Box 328, Port Arthur, Texas. Vendor is not a carrier but is transferee in MC–FC 58428 to purchase from JEFFERSON COUNTY EXPRESS CO., INC., also of Port Arthur, Certificate No. MC 83842 which authorizes transportation of *General commodities,* with certain exceptions including household goods, as a *common carrier* over a regular route between Beaumont, Tex., and Port Arthur, Tex., serving all intermediate and certain off-route points. Vendee is authorized to operate in Texas, Louisiana, and Arkansas. Application has been filed for temporary authority under Section 210a (b)

No. MC–F 6076. Authority sought for control by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Ave., Cincinnati 23, Ohio, of the operating rights and property of MEEKS MOTOR FREIGHT, 1101 W St. Catherine St., Louisville, Ky., and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ, AND S. DAVID SHOR, all of Cincinnati, of control of the operating rights and property through the transaction. Operating rights sought to be controlled: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between Louisville, Ky., and Evansville, Ind., Cincinnati, Ohio, and Harlan, Ky., and Nashville, Tenn., between Lexington, Ky., and Manchester, Ky., between Bowling Green, Ky., and Hopkinsville, Ky., between New Albany, Ind., and Dale, Ind., between Jeffersonville, Ind., and Versailles, Ind., and between junction Indiana Highway 62 and Indiana Highway 56 and Paoli, Ind., serving certain intermediate and off-route points. Vendee is authorized to operate in Indiana, Ohio, Pennsylvania, New York, Maryland, Kentucky, New Jersey, Massachusetts, Virginia, North Carolina, Tennessee, West Virginia, Delaware, Connecticut, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b)

No. MC–F 6077. Authority sought for purchase by RUSSEL E. PRATT and ALICE L. PRATT, doing business as CAPITAL CITY TRANSFER COMPANY, 230 S. Front St., Salem, Oreg., of the operating rights of JOHN M. SCHIEVE, doing business as CENTRAL TRANSFER & STORAGE CO., 1233 S. W Morrison, Portland, Oreg. Applicants' attorney: Eugene E. Laird, 211 Pioneer Trust Bldg., Salem, Oreg. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Portland, Oreg., and points within 20 miles of Portland, on the one hand, and, on the other, points in Washington. Vendee is authorized to operate in Oregon and Washington. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6078. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 820 Hampden Ave., St. Paul 14, Minn., of a portion of the operating rights and certain property of SPEEDWAY TRANSIT, INC., Marshall, Minn., and for acquisition by L. M. GLENDENNING, R. F D. St. Paul Park, Minn., of control of the operating rights and property through the purchase. Applicants' attorney: Gordon Rosenmeir, American National Bank Bldg., Little Falls, Minn. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes, between Marshall, Minn., and Minneapolis and St. Paul, serving certain intermediate and off-route points; *eggs* and *poultry,* between Marshall, Minn., and Minnesota, Minn., serving no intermediate points. Vendee is authorized to operate in Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Nebraska and North Dakota. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6079. Authority sought for purchase by MRS. ANNIE FORD, doing business as ROCKY FORD MOVING VANS, 510 S. Big Spring, (P O. Box 11) Midland, Texas, of the operating rights of H. W MASTERS, doing business as MASTERS TRANSFER CO., 807 N. Porter, (P. O. Box 819) Norman, Okla. Applicant's attorney: J. H. Jarman, 703 First National Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes, between certain points in Oklahoma on the one hand, and, on the other, points in Kansas, Missouri, Colorado, Arkansas and Texas; *emigrant moveables,* between certain points in Oklahoma on the one hand, and, on the other, points in Kansas, Arkansas, and Texas. Vendee is authorized to operate in California, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Arizona and Arkansas. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6080. Authority sought for purchase by DARL D. WOMELDORF doing business as W I. WOMELDORF & SONS, P O. Box 232, Lewistown, Pa., of a portion of the operating rights of FRED E. WILEY, doing business as WILEY'S CHESTER AUTO EXPRESS, Oak Lane and MacDade Blvd., Glenolden, Pa. Applicant's attorney: Paul F Barnes, 811 Lewis Tower Bldg., 225 S. 15th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *Petroleum products,* in containers, *polishes, denatured alcohol, gasoline pumps,* and oil pumps, and advertising matter used in connection with the above-described commodities as a contract carrier over irregular routes, from Philadelphia, Pa., to points in West Virginia, Bluefield, Va., and Pearisburg, Va., *petroleum products,* in containers, *polishes, denatured alcohol* and *advertising matter* used in connection with such commodities from Marcus Hook, Pa., to points in West Virginia, Bluefield, Va., and Pearisburg, Va., *such commodities* as are sold in or used in connection with the operation of gasoline service stations, except petroleum products in containers and in bulk, polishes, denatured alcohol, gasoline and oil pumps, and advertising matter used in connection with such excepted commodities, from Philadelphia, Pa., to points in West Virginia, Bluefield, Va., and Pearisburg, Va., *such commodities* as are sold in or used in connection with the operation of gasoline service stations, except petroleum products in containers and in bulk, polishes, denatured alcohol, and advertising matter used in connection with such excepted commodities, from Marcus Hook, Pa., to points in West Virginia, Bluefield, Va., and Pearisburg, Va. Vendee is authorized to operate in Pennsylvania, West Virginia, Maryland, New Jersey, New York, Virginia, Connecticut, and Delaware. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6081. Authority sought for purchase by RUAN TRANSPORT CORPORATION, 408 S. E. 30th St., Des Moines, Iowa, of the operating rights and property of TERMINAL TRANSPORT COMPANY, 2330 W County Road C, St. Paul, Minn., and for acquisition by JOHN RUAN, also of Des Moines, of control of said operating rights and property through the purchase. Applicants' attorney: Rex H. Fowler, 510 Central National Bldg., Des Moines 9, Iowa. Operating rights sought to be trans-

ferred: *Petroleum products,* in bulk, in tank trucks, as a *common carrier* over a regular route from St. Paul and Minneapolis, Minn., to Duluth, Minn., serving no intermediate points; *petroleum products,* in bulk, in tank vehicles, over irregular routes, from points in the Minneapolis-St. Paul, Minn., Commercial Zone to certain points in Wisconsin, from Superior, Wis., to certain points in Minnesota, from Winona, Minn., to points in Wisconsin within 100 miles of Winona, and from the site of the United States Air Force storage installation near Hastings, Minn., to Des Moines Municipal Airport at or near Des Moines, Iowa, and Truax Air Force Base at or near Madison, Wis., *vegetable oils, fish oils, non-edible oils, fatty acids, blended or prepared paint oils,* and *blended or prepared varnish oils,* in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone to points in Missouri, Illinois, Iowa, and Wisconsin; nonedible oils, in bulk, in tank vehicles, from Chicago, Ill., to points in the Minneapolis-St. Paul Commercial Zone. Vendee is authorized to operate in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-7814; Filed, Sept. 27, 1955; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31127: *Carbon Refractory Materials from Morganton, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on carbon refractory materials, carloads from Morganton, N. C., to specified points in New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 140 to Agent Spaninger's I. C. C. 1324.

FSA No. 31128: *Roofing and Building Materials—South to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on roofing and building materials, carloads from specified points in southern territory to specified points in official territory other than in Illinois territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 5 to Agent Spaninger's I. C. C. 1495; Supplement 5 to Agent Spaninger's I. C. C. 1500.

FSA No. 31129: *Methanol—South Point, Ohio to Baltimore, Md., and Philadelphia, Pa.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on methanol (methyl alcohol) tank-car loads from South Point, Ohio to Baltimore, Md., and Philadelphia, Pa.

Grounds for relief. Competition of water carriers and circuity.

Tariff: Supplement 139 to Agent Hinsch's I. C. C. 4542.

FSA No. 31130: *Wooden Barrels—Louisville, Ky., to Eastern Ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on old wooden barrels, set up, tight, noibn, carloads from Louisville, Ky., to Albany and New York, N. Y., Baltimore, Md., Boston, Mass., Newport News and Norfolk, Va., and Philadelphia, Pa.

Grounds for relief: Circuitous routes to Hampton Roads ports, port relations, competition, and circuity to other ports.

Tariff: Supplement 139 to Agent Hinsch's I. C. C. 4542.

FSA No. 31131. *Liquefied Petroleum Gas within Illinois Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Illinois to points in Illinois territory within a radius of 260 miles from each origin points.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 20 to Agent Raasch's I. C. C. 813.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-7813; Filed, Sept. 27, 1955; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 63]

NORTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about September 19, 1955, because of the disastrous effects of hurricane, damage resulted to residences and business property located in certain areas in the State of North Carolina; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Carrituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Northampton, Dare, Bertie, Martin, Washington, Tyrrell, Pitt, Beaufort, Hyde, Craven, Pamlico, Carteret, Onslow, Jones, Lenoir.

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Virginia.

Small Business Administration Branch Office, Independence Building, Room 1315, 102 West Trade Street, Charlotte, North Carolina.

2. Special field office will be established at Chamber of Commerce Building, 511 Broad Street, New Bern, North Carolina, to receive and process such applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1956.

WENDELL B. BARNES, *Administrator*

Dated: September 22, 1955.

[F. R. Doc. 55-7829; Filed, Sept. 27, 1955; 8:53 a. m.]